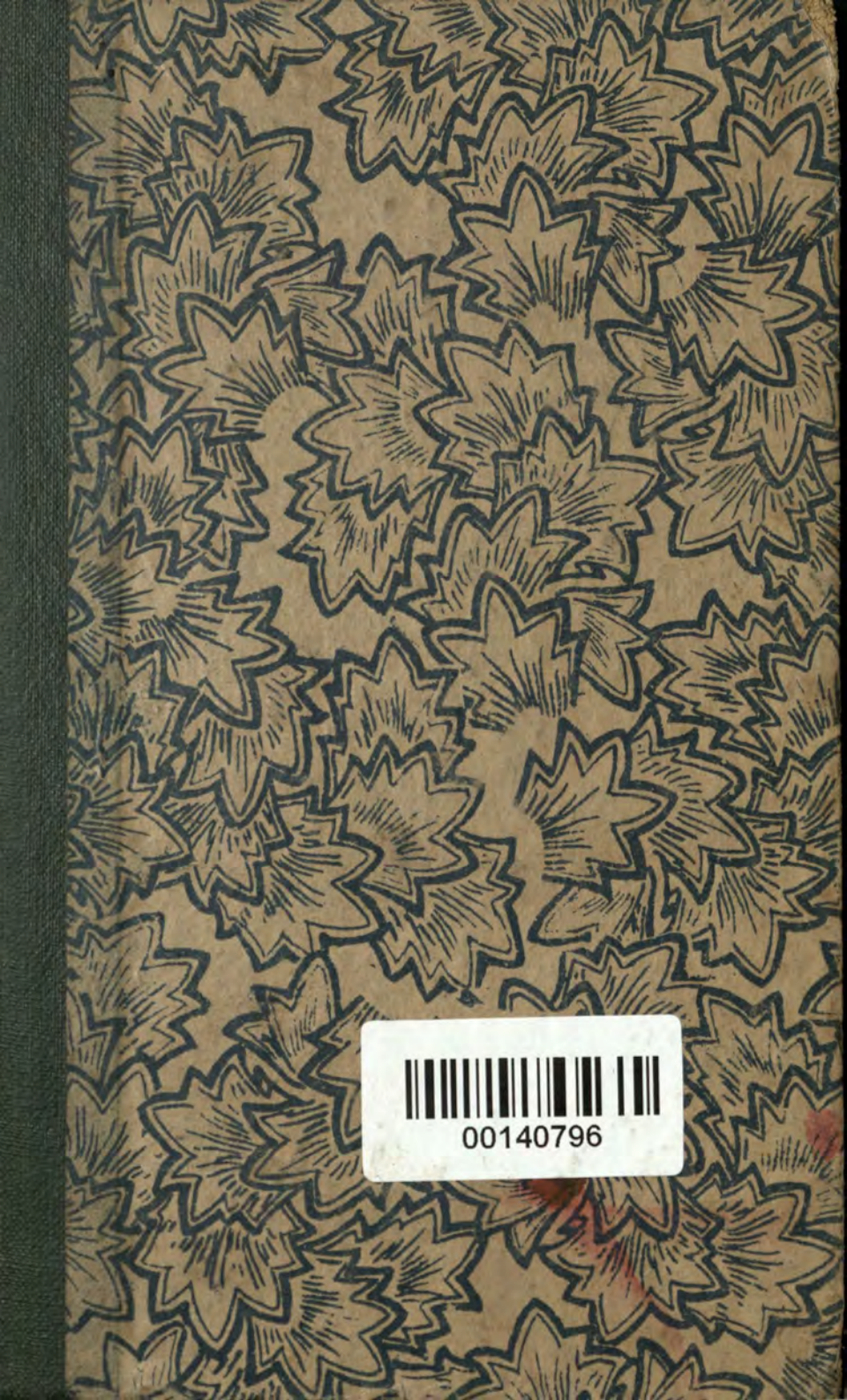
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ARTHUR LORD CAPELL.

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LIVES

OF THE

FRIENDS AND CONTEMPORARIES

OF

LORD CHANCELLOR CLARENDON:

ILLUSTRATIVE OF PORTRAITS IN HIS GALLERY.

By LADY THERESA LEWIS.

"Of all the woes which civil discords bring,
And Rome o'ercome by Roman arms, I sing."
Lucan's Pharsalia, by Rowe, b. i.

IN THREE VOLUMES.—Vol. II.

With Portraits.

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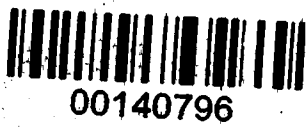

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CONTENTS OF VOL. II.

LIFE OF LORD CAPELL.

(CONTINUED.)

CHAPTER IV.

Resignation of Sir R. Greenvil—The King's Instructions respecting the Prince's Departure for France—The Council resolve to detain him—Correspondence between the Prince and Sir T. Fairfax—Sir R. Greenvil resumes the command—The King renews his Instructions respecting the Prince—Answer of the Council—Jealousies among the Leaders in the West—Lord Hopton succeeds to the command—The Council decide that the Prince's person is in danger, and he is removed to Scilly—Defeat of the Royalist cause in Cornwall—Its causes—Conduct of Lord Capell - - - - - - - - - Page 1

CHAPTER V.

Correspondence between the Parliament and the Prince — the Prince removes to Jersey — the Queen presses for his removal to Paris — He sends Lords Capell and Culpepper to the Queen — Lord Digby, M. de Montreuil, and Mr. Ashburnham, arrive at Paris — Lords Capell and Culpepper return to Jersey — the Council deliberates, and the Prince resolves to go to Paris — the Council decline to accompany him — His Departure — Occupations of the Councillors at Jersey — Lord Capell leaves the Island - - - - - - - - - 27

CHAPTER VI.

Fresh Measures respecting the Sequestration of Lord Capell's Estates — Design of Lord Jermyn to surrender Jersey and Guernsey to the French — Measures taken by Lord Capell and Sir E. Hyde to counteract this Design — Lord Capell goes to the Continent — He returns to England,

and visits the King — The Prince removes to Holland, and sails from thence to England — Royalist Movement in Kent and Essex under Lord Norwich — He posts himself at Colchester - - Page 51

CHAPTER VII.

Lord Fairfax advances to Colchester and assaults the place — He is repulsed, and lays Siege to the Town — Lord Norwich seizes a Committee of Parliament — The Parliament seize Lord Capell's Son — The latter is liberated — Progress of the Siege — Scarcity of Food — Expulsion of the Women — Mutiny of the Garrison — Lord Norwich treats for Surrender — Terms of Surrender — The Garrison evacuate the Town, and become Prisoners of War - - - - - 67

CHAPTER VIII.

Lord Fairfax enters Colchester — Sir Charles Lucas and Sir George Lisle are sentenced to death and shot — Lord Norwich and Lord Capell are promised fair quarter, and are removed as Prisoners to Windsor Castle — Measures are taken for attainting Lord Norwich and impeaching Lord Capell — Proceedings in Parliament against Lord Capell — The King's Trial and Execution — Lord Capell's Letter to Cromwell — A High Court of Justice is appointed for the Trial of Lord Capell and others — He escapes from the Tower, but is recaptured — His Trial is commenced — Evidence of Fairfax - - - - - - 88

CHAPTER IX.

Lord Capell's Trial continued—His Defence—He is sentenced to Death—The final Decision is referred back to Parliament—Debates in Parliament—Cromwell advises that Mercy should not be shown him—The Petition in his favour is rejected—Examination of the Justice and Policy of the Sentence—Its real Motives—Comparison of the Case of Lord Capell with that of Marshal Ney - - - - 114

CHAPTER X.

Dr. Morley's account of Lord Capell's last hours — Lord Capell's last letters to his Wife — His demeanour on the scaffold — He addresses the people — He is beheaded — His feeling of loyalty towards the King — Alleged fondness of the English people for judicial murders — Conduct of the High Court of Justice in Lord Capell's case - 136

CONTENTS OF VOL. II.

CHAPTER XI.

Epitaphs on Lord Capell — Disposition of Lord Capell's Heart — Lord Capell's Contemplations — His Reflections on the Death of the King — Verses attributed to him — Lady Capell's subsequent Life — Children of Lord and Lady Capell — Portraits of Lord Capell Page 166

APPENDIX - - - - - - - - - 190

LIFE OF MARQUIS OF HERTFORD.

CHAPTER I.

Birth and parentage of William Seymour — He succeeds his grandfather in the Earldom of Hertford — He is admitted at Magdalen College, Oxford — He proposes marriage to Lady Arabella Stuart — The Privy Council take cognizance of the matter — The King gives his consent — They are secretly married — They are in consequence imprisoned — They petition the King and the Council, without success — Letter from Lady Arabella to her husband - - - - - 283

CHAPTER II.

The King orders the removal of Lady Arabella to Durham — She begins her journey, and reaches Barnet—She is detained there by ill health—She escapes from confinement, and attempts to meet her husband—They embark in different ships—She is recaptured at sea, and is committed to the Tower — Mr. Seymour escapes safely to Ostend — Lord Hertford does not support his grandson against the Court - - 304

CHAPTER III.

Lady Arabella repeatedly petitions the King to release her from Prison — She becomes insane — The Council instruct Dr. Fulton to visit her — She dies in the Tower — Reasons of the King's fear of Lady Arabella — Her descent from Queen Margaret — Her English education — Her marriage with Seymour, a descendant of Lady Catherine Grey — Her

supposed leaning to Catholicism —The reception of Seymour at the Court of the Archdukes — Seymour removes to France, but afterwards is permitted to return to Flanders — After Lady Arabella's death he petitions for leave to return to England — The permission is granted, and he returns — He marries Lady Frances Devereux, and succeeds to the Earldom of Hertford on the death of his grandfather Page 330

CHAPTER IV.

Digression — Edward Earl of Hertford, grandfather of William Seymour, privately marries Lady Catherine Grey — He goes abroad — She avows her marriage and pregnancy — She is committed to the Tower, and gives birth to a son — Lord Hertford returns to England, and is committed to the Tower — Their marriage is declared null and void by a Special Commission — She dies in custody — Lord Hertford is forgiven by the Queen — Legal proceedings in the reign of King James to determine the legitimacy of Lord Beauchamp — The suit is ultimately decided against him — His legitimacy is recognised by Letters Patent of Peerage — Edward Lord Hertford dies — William Seymour is summoned to the House of Lords under the new creation, and takes his seat accordingly - - - - - - - - - - 358

CHAPTER V.

Lord Hertford attends the Parliament of 1626 — He lives in retirement until 1640 — In that year he attends Parliament and the Council of Peers at York — He is appointed one of the Commissioners to treat with the Scots — The Commissioners meet at Ripon — The negotiations proceed — Impediments to their success — The Commissioners remove to London - - - - - - - - - 393

CHAPTER VI.

Lord Hertford signs a petition for the assembling of a Parliament — The Long Parliament meets — Lord Hertford does not support the proceedings against Strafford — He is one of the Peers who take examinations in Strafford's case — He disapproves of taking Strafford's life — Attainder of Strafford — The Treaty with the Scots concluded — Lord Hertford's Parliamentary acts during the Session of 1641 — He is made a Privy Councillor - - - - - - - - 406

CHAPTER VII.

Reasons which induced the King to make Lord Hertford a Privy Councillor — It was a concession to the Parliamentary party — Relation of the Privy Council to Parliament in the reign of Charles I. — The King attempts to strengthen his Government by adding members of the popular party to the Privy Council — Explanation of this policy - - - - - - - - - Page 425

CHAPTER VIII.

Lord Hertford is appointed Governor to the Prince of Wales, in the place of the Duke of Newcastle — Reasons for the appointment — He is created a Marquis — The King sets out for Scotland — Remonstrances of the Houses of Parliament against the removal of the Prince from Richmond to the Queen's residence at Oatlands — Answer of the Queen — The King is advised by his Ministers to return to England - - - 436

CHAPTER IX.

The King returns to Theobalds — He makes a public entry into the City —The King takes the Prince to Hampton Court — The Parliament remonstrate against his removal from the care of Lord Hertford — The King's answer — The Prince is sent back to Lord Hertford — The King desires that the Prince should meet him at Greenwich — The Parliament again remonstrate — Fear of the Prince's removal out of the Kingdom — Deputation of the two Houses to the King — Lord Hertford brings the Prince to Greenwich — The King's answer to the two Houses — Lord Hertford leaves the Prince in the King's custody — He ceases to co-operate with the popular party - - - 454

CHAPTER X.

The Parliament appoint new Lieutenants of Counties — Lord Hertford is superseded in the Lieutenancy of Somersetshire — Militia Ordinance — Proceedings of Parliament in relation to it — The King refuses his assent to the Bill — The Houses remonstrate — They assume the control of the Militia without the King's assent — They displace the great Officers of State — Lord Hertford protests against these measures, and joins the King at York — Order of the House of Lords upon Lord Hertford — He explains by Letter to the House the King's intentions respecting the custody of the Prince - - - - - 474

CHAPTER XI.

Lord Hertford raises Cavalry for the King — He is appointed by the King Lieutenant-General of the West — He proceeds to Bath to execute the Commission of Array — He advances to Wells, and retires thence to Sherborne — The Earl of Bedford marches to Sherborne — Lord Hertford sends him a Challenge — An attempt to relieve Sherborne Castle fails — Lord Hertford capitulates and retreats from Sherborne Castle — He crosses into Glamorganshire — The Commons impeach Lord Hertford — Causes of his failure in the West - - - - Page 494

LIFE OF LORD CAPELL.

(CONTINUED.)

CHAPTER IV.

Resignation of Sir R. Greenvil—The King's Instructions respecting the Prince's Departure for France—The Council resolve to detain him—Correspondence between the Prince and Sir T. Fairfax—Sir R. Greenvil resumes the command—The King renews his Instructions respecting the Prince—Answer of the Council—Jealousies among the Leaders in the West—Lord Hopton succeeds to the command—The Council decide that the Prince's person is in danger, and he is removed to Scilly—Defeat of the Royalist cause in Cornwall—Its causes—Conduct of Lord Capell.

THE misconduct of Sir Richard Greenvil again became a source of annoyance to the Council and of weakness to the cause: he addressed an insolent letter to the Lords of the Council, full of complaints, and threw up his commission of Field Marshal. He had already committed various acts that showed but too plainly that he had availed himself of his position rather to serve his own private interests[1] than to fulfil his duty to the sovereign whose commission he had accepted. Yet, having thrown up his commission, he afterwards acted upon his own

[1] The King had granted him the sequestration of his wife's estate (from whom he was separated), of all the estates of the Earl of Bedford in Devonshire, of Sir Francis Drake, and Lord Roberts' estates in Cornwall.—Clarendon's *Hist. of the Rebellion*, vol. v. p. 214.

authority, raising contributions and imprisoning people without any other right so to do than his own pleasure.[1]

Fresh sources of difficulty and embarrassment were now in store for the Prince's Council. In the beginning of August the King sent for Lord Culpepper and Sir Edward Hyde to meet him at Brecknock;[2] the latter was prevented by the gout from attending this summons. Lord Culpepper hastened from Cornwall (where he then was) to receive the King's commands, and returned the bearer of a letter to the Prince[3] that gave considerable uneasiness and dissatisfaction to his Council. It contained a positive direction that, whenever he should find himself in danger of falling into the hands of the rebels, he should convey himself to France, there to be under his mother's care, who was to have "the absolute full power" of his education in all things except religion. The Prince was at Launceston; when Lord Culpepper returned and presented this letter from the King. The Prince gave the letter again into Lord Culpepper's custody, and wished him to communicate its contents to the Lords Capell and Hopton and Sir Edward Hyde. The feelings and opinions of these four were unanimous.[4] They were fully prepared that the Prince should quit the kingdom in case of need, and were resolved "that, "rather than he should be taken by the rebels, they "would carry him into any part of the Christian

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 218. [2] Ibid. 230.

[3] Appendix L.

[4] It seems they did not venture to impart so important a fact as this letter either to Lord Berkshire or to Lord Brentford—the former being in the habit of communicating to those who were dissatisfied with the Prince's council what passed in council, and the latter being an "ill treasurer of secrets."

"world."[1] Moreover, they immediately ordered a ship to be henceforth kept in readiness for his escape in the harbour of Falmouth; but that which distressed and embarrassed them was, "that the King's command "was so positive for France." To that destination they felt the strongest objections, and were much confirmed in this by a letter from the Earl of Norwich to one of the Council, in which, alluding to a mere report of the Prince being sent to France, he declared it would be certain ruin, and intrusted the messenger[2] of his letter with many reasons in support of that view. After some anxious deliberation between the three Lords[3] and Sir E. Hyde, a letter was agreed upon and immediately addressed to the King, in which they remonstrated strongly against the intention of sending the Prince to France, and fully stated the information they had received respecting that country, and the grounds of their objections. They expressed a hope that his Majesty would leave the choice of the Prince's destination to them, or would suggest some other place that would be free from the objections attached to a residence in France. They even named Scotland, if the Marquis of Montrose continued victorious; or Ireland, if the peace was made there: at the same time they did not fail earnestly to repeat their assurance that they "would "run any hazard, or into any country, before the "Prince should fall into the hands of the rebels."[4] Between the time when this letter was despatched and the receipt of the King's answer, events had crowded

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 235.
[2] Ch. Murray.—Ibid. p. 235, note 9.
[3] Lords Capell, Hopton, and Culpepper.
[4] Ibid. p. 236.

upon each other that were calculated to check the hopes of the Royalist party. Bristol was lost; Montrose had been defeated by Leslie; and the Scotch army, though obliged to abandon the siege of Hereford, had been allowed to march without molestation back to the North. The King's answer, addressed to Lord Culpepper, was not received till the middle of October, though dated Chirk Castle,[1] Sept. 29th, 1645. It contained the repetition of his wishes respecting the Prince's removal to France expressed in still stronger terms than before. He declined giving reasons, saying that Lord Culpepper must, for this time, be content with results; and commanded, as of *absolute necessity*, "that with the best convenience, the most secrecy, and "greatest expedition, Prince Charles be transported "into France, where his mother is to have the sole "care of him in all things but religion." In a P.S. he added, "For the way, I leave it to your discretion, "having already with you, as I conceive, as much "power in paper as I can give you. France must be "the place, not Scotland nor Denmark."

The hopes of the West were not yet absolutely desperate; but the Council had already witnessed the pernicious effect of even a rumour of the Prince leaving the country,[2] and the four counsellors,[3] who held con-

[1] Appendix M.

[2] Not only had the Earl of Norwich from Paris earnestly warned the council that it was "certain ruin to the Prince" to be sent to France, but they had the opportunity of witnessing the discouragement produced in the West when reports were maliciously circulated that the Prince was going to leave them.—Clarendon, vol. v. p. 259.

[3] Lords Capel, Hopton, Culpepper, and Sir Edward Hyde.

sultation on this matter, firmly believed that his premature departure would at once have been fatal to the King's cause. They, therefore, unanimously resolved to abide by the original command, that "the Prince "was not to be transported out of the King's dominions "but upon apparent visible necessity in point of "safety;"[1] and still reserved to themselves the power "of deciding both the time and the way when it should be necessary for this most important move to be made.[2]

The report of "an intent to carry the Prince into "France"[3] had already operated so injuriously on his cause, that his advisers determined on his repairing to Exeter as a means of discontinuing this rumour; it had been so industriously circulated by Lord Goring, as a means of throwing discredit on the Prince's Council, that several gentlemen of the western counties had determined amongst themselves "to petition the Prince "to interpose between the King and the Parliament, "and to send a message to the latter with overtures of "peace."[4] The Council were strongly impressed with the impolicy of any such petition being presented. The grace of an overture from the Prince to the Parliament was at once destroyed if it appeared, not as a voluntary act of his own, but as a mere concession to the impor-

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 259.

[2] Lord Goring utterly disregarded the King's commands, contained also in this letter, that he should "break through to Oxford," and join him wherever he should be with his horse. The Prince expressed his wish that Lord Goring should obey the orders he had received, but Lord Goring never even communicated with him on the subject.—Ibid. p. 260.

[3] Ibid. p. 240.

[4] Ibid.

tunity of his party, and might easily be construed into a proof that the zeal of the royalists had somewhat slackened in these counties. The Council also looked with some alarm at an attempt to assume the direction of the Prince's conduct, which was likely to lead to still further interference, had the petition been followed by successful overtures for peace, an interference which would have embarrassed the action of his responsible advisers without releasing them from their responsibility.[1] It was not without considerable difficulty that the Council succeeded in preventing this petition from being presented to the Prince; and it was then resolved that he should himself address the following letter to Sir Thomas Fairfax:—

"We have so deep a sense of the present miseries and calamities of this kingdom, that there is nothing we more earnestly pray for to Almighty God than that He would be pleased to restore unto it a happy peace; and we should think it a great blessing of God upon us if we might be so happy as to be an instrument in the advancing of it; and therefore, we have resolved to send two of our Council unto the King our father, with some such overtures as we are hopeful may much conduce thereunto; and do hereby desire you to send or procure from the Lords and Commons assembled in Parliament at Westminster a safe-conduct for the Lord Hopton and the Lord Colepepper, with twelve servants, to go to our Royal father, and to return to us; and we shall then manifest to the world our most earnest endeavours to stop this issue of blood,

[1] "They would quickly make themselves judges of the matter of it, "and counsellors of what was to be done upon it."—Clarendon's *Hist. of the Rebellion*, vol. v. p. 241.

which must otherwise, in a little time, render this unhappy land yet more miserable.

"Given at our Court at Exeter, this 15th day of September, 1645.

"CHARLES P."

This letter was forwarded by Sir Thomas Fairfax to the Committee of both Kingdoms, and was read in the House of Lords, with one from himself,[1] in which it was enclosed, on the 26th of September; it was sent down

[1] Sir Thomas Fairfax's letter was as follows :—

"My Lords and Gentlemen,—His Highness the Prince of Wales sent "me by his trumpet this enclosed letter, which doth express what he "desires from both Houses of Parliament. I thought it my duty, by "your Lordships' means, to acquaint them with it, and not to hinder the "hopeful blossom of your young peace-maker (if I may be so bold here "to term him so); which may prove a flower in his title more glorious "and sweet to us than the rest of his ancestors, if it please the Lord to "create peace by him. I shall desire to know your Lordships' further "pleasure in this, which shall be observed by your Lordships' humble "servant,

"THO. FAIRFAX.

"Bath, Sept. 20, 1645.

"For the Right Honourable the Committee of both Kingdoms, at Darby "House, in Chanell Row."—*Lords' Journals*, vol. vii. p. 600.

Sir Thomas Fairfax's Acknowledgment of the Prince's Letter.

"May it please your Highness,—I shall most willingly acquaint the "Houses of Parliament with your desires touching a safe-conduct for the "Lords mentioned in your letter; and am exceeding glad to perceive in your "Highness so serious a sense of the evils and miseries of these distressed "kingdoms, in which, after his Majesty, you have so great an interest, "which shall ever be as dear to us as our own. And I hope it shall appear "to all the world, though we make use of war for necessity, yet we are not "a people that delight in war, but next after the truth (which is much "dearer to us than our lives) and our just rights and liberties (which we "reckon equal with our lives, our lives being but a shadow of death without "them) we above all other things prefer peace; and it shall be your High-"ness's greatest glory earnestly to endeavour and mediate with his Majesty

to the House of Commons that day, and recommended to immediate consideration. On the 1st of October a message was again sent from the Lords to the Commons to remind them of the message respecting the Prince's letter to Sir Thomas Fairfax; but whether an answer was ever sent from Parliament does not appear: none such is entered on the Journals of either House; and Lord Clarendon speaks of the Prince's message "having been public, and afterwards so much neglected." [1]

The following letter was Sir Thomas Fairfax's answer to the Prince's letter:—[2]

"SIR,

"Your Highness's desire of a safe-conduct for the two persons whom you design to send to the King, I did, according to my duty and promise, faithfully represent unto the Parliament, but have not yet received their resolution thereunto. What the occasion may be of delay or suspension therein I may not take upon me to determine. Perhaps, finding what counsels still prevail about his Majesty, they may justly apprehend any such address to him would be fruitless, if not hurtful to the end you propose it: and yet, being loth to answer any desire from your Highness with a public denial, may choose to suspend rather than give their resolution. Whatever the reason be, I believe it just and necessary. And your Highness need not doubt of the Parliament's readiness to grant any desire of

"for this, and God Almighty prosper, command, and create it for us: which "is the earnest prayer of your Highness's most faithful and most humble "servant, "T. FAIRFAX.

"Bath, 19th of Sept. 1645."

—Clarendon *State Papers*, vol. ii. p. 792.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 241.

[2] Clarendon State Papers, vol. ii. p. 194.

yours that may be for your own and the kingdom's good, and especially for so blessed a purpose as a safe and just peace. But, truly, I conceive it would be far more available to that end—more for the safety and welfare of your own person and family, and the joy of the subjects of this kingdom—if your Highness would disband what forces you have the command of in these parts, and go yourself in person to the Parliament, where your Highness need not doubt of safety and honourable reception; nor those Lords and gentlemen that are about you, and shall be forwarders of so good a resolution, of favour answerable thereunto; besides the benefit of the propositions last tendered to all those that come in before the first of December. And for your soldiery, they should have good conditions, as soldiers, from myself, and no doubt, as subjects, from the Parliament. If in this I might serve your Highness, I should most readily give, or be myself, your safe-conduct, and account it an honour and blessing from the hands of God, crowning all other the successes he hath been pleased to give, in this kingdom's behalf, to the weak endeavours of

"Your Highness's most faithful and
humble servant,
"T. FAIRFAX."

"*Nov.* 8, 1645."

From the Lord (Arthur) Capell to Sir Thomas Fairfax.[1]

"SIR,

"In answer to yours of the 8th of this month, his Highness hath commanded me to let you know, that he did not believe that his overture of engaging himself in the mediation of a blessed peace for this miserable kingdom (which he did, and does still, most earnestly desire to labour in) would have brought him an invitation to quit his piety and loyalty to his Royal father, by dividing his interest from that of his Majesty's,

[1] Fairfax Correspondence, vol. i. p. 259.

whereby he should render himself unworthy and incapable of the fruits of that peace he labours for. If his former propositions may be consented unto, he hopes God will so bless his sincere intentions and desires as to make him a blessed instrument to preserve this kingdom from desolation; but if that be rejected, he shall give the world no cause to believe that he will forfeit that honour and integrity which can only preserve him in a capacity of doing that service, and shall, with patience, attend God's good pleasure until his endeavours may be applied with preservation of his innocency. This is all I have in command from his Highness.

"Your servant,

"ARTHUR CAPELL.

"*Exeter, December* 1*st*, 1645."

The month of October brought fresh changes in the West. Sir Thomas Fairfax had been highly successful against the Royalist force, and had received the thanks of Parliament, October 23, for the taking of Tiverton; in November Lord Goring suddenly quitted his command and retired into France. Sir Richard Greenvil, who was again in command, had by the Prince's direction taken up his quarters at Ockington,[1] the object of which was to hinder the enemy's army from any communication with Plymouth. Towards the end of November, without notice to the Prince, and contrary to the express desire of Lord Capell and Lord Culpepper, who were at Exeter, and wrote to him strongly "not to remove," he suddenly retired with his three regiments from Ockington into Cornwall, mustered his men upon the river Tamer, and then issued his com-

[1] Oakhampton.

mands to guard the passes between Devon and Cornwall, and "not to suffer any of Lord Goring's men, "upon what pretence or warrant soever, to come into "Cornwall;" threatening, moreover, that, should any of these forces make the attempt, "they should ring "the bells, and thereupon the whole country should "rise and beat them out"[1]—thus preparing for the unhappy country the horrors of a double civil war.

In the last week of November Sir Richard Greenvil visited the Prince at Truro, and on the same day arrived the letters from Lord Capell and Lord Culpepper informing the Prince of the evil consequences of his having disregarded their injunctions and retired from Ockington. The contents of these letters were communicated to Sir Richard in Council; the following day he returned to his house at Wovington without again seeing the Prince, and from thence on the 27th of November he wrote a letter[2] for the perusal of the Council advising that the Prince should endeavour to treat with the Parliament.[3] Shortly afterwards he wrote again to know how his propositions were approved, and on being told that in the absence of the Lords Capell and Culpepper, who were still at Exeter, it had not been debated, he actually called a meeting at

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 268.

[2] The letter was addressed to Mr. Fanshawe.—Ibid. p. 269.

[3] Sir Richard Greenvil's proposition certainly exhibited no high standard of filial duty or faithful allegiance; the Prince was to offer, "if he might "enjoy the revenue of the duchy of Cornwall, and that they would not "advance to disturb him in that country, that he would not attempt any-"thing upon them, but that they should enjoy the freedom of all their "ports in Cornwall for trade, without any disturbance by his Majesty's "ships."—Ibid. p. 270.

Launceston, summoning the disaffected and the well-affected, saying he intended to communicate some propositions which he had already made to the Prince, and, "though not hearkened to there, he believed "would be very acceptable to his countrymen of Corn-"wall."[1] The Prince's sudden removal to Tavistock, however, prevented this meeting. Such was the state of utter insubordination of those over whom the Prince and his Council had been sent to preside and direct; and yet, whilst the cause for which they struggled was daily shaken by resistance to their authority, they dared not dismiss from the King's servant a dangerous adherent, lest he should prove a still more dangerous foe. Lord Wentworth succeeded Lord Goring in command, and soon after the latter had quitted England it was thought necessary to send the Lords Capell, Culpepper, Hopton, and Brentford, to confer with him on the fittest way to relieve Exeter. The meeting was at Ashburton, and they found that Lord Wentworth had unhappily imbibed much of the same spirit that had been so prejudicial to the King's service in Lord Goring. He declared he would receive orders from none but the Prince himself,[2] and treated the Council with so little respect that it was deemed necessary that the Prince should assume the command in person, and advance towards Exeter, though, as Lord Clarendon says, "rather than any hazard might be run by any "unnecessary mutation in commands at a time when

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 271.
[2] Ibid. p. 272.

"the soldier was to be led to fight, it was resolved that "he should be rather advised than commanded."[1]

On the 26th of December the Prince moved from Truro to Bodmin, from thence to Tavistock, and afterwards to Totness. Lord Wentworth there attended him, and was informed in Council of the Prince's intention to take the command in person. Lord Wentworth repeated to the Prince himself "that he "would receive no orders from any person but his "Highness,"[2] and declared Lord Goring's commission and instructions to that purpose. This he constantly repeated in Council, "and talked very imperiously "and disrespectfully, and, one day after he had been "drinking, very offensively to some of the Council in "the presence of the Prince." The Prince could only return for answer that "he would take the command of "the army upon himself and issue out orders as he "should think fit."[3] The difficulties arising from Lord Wentworth's conduct being overcome, the differences settled, and arrangements made for the plan of operations, the Prince was to proceed to Tavistock, when the day before he set out a fresh cause of embarrassment occurred in the receipt of another letter from the King to his son: it was dated Oxford, November 7, and again strongly urged the necessity of his quitting England and transporting himself to Denmark, "or any "other country." Scotland and Ireland he forbad, "unless peace was concluded, or the Earl of Montrose "was in far better condition than he then was."[4] The

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 272.
[2] Ibid. p. 275. [3] Ibid. [4] Ibid. p. 276, Appendix N.

directions, however strong, were not positive, and the Council decided on persevering in the design which they had just formed of endeavouring to relieve Exeter. On arriving at Tavistock the Prince was greeted with another letter from the King, bearing date Oxford, 7th of December.[1] The same subject was urged more strongly than before: "Denmark," wrote the King, "if conveniently you can; but rather than not go out of "this kingdom immediately after the receipt of this "letter, I permit and command you to repair to any "other country, as France, Holland, &c."[2] This letter, which was written in the cipher used by Lord Culpepper, was delivered, like the other, into his keeping by the Prince, with orders to be communicated to the Lords Capell and Hopton and Sir Edward Hyde. Never was a council placed in a situation of more painful embarrassment. The enterprise they had now in hand seemed to them full of hope; its abandonment by the Prince's sudden and inopportune desertion of the army would at once have dissolved the troops he was about to lead, and was thus to lose their last stronghold in the West. The King had urged, as a reason for the necessity of the Prince's escape from England, that he meant to propose a personal treaty in London, and that his son being in another country would be his real security and a chief argument "to make the rebels "hearken and yield to reason."[3] To the Council, however, this seemed but another strong argument against the Prince leaving the kingdom: they well

[1] Appendix O.

[2] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 277.

[3] Ibid.

knew such a step would be regarded by the Parliament as a proof that the King was not sincere in his intention of a treaty; and that those of the King's own Council who had advised these fresh overtures of peace "would "take themselves to be highly disobliged" when they found that the Prince had been thus commanded without their knowledge to quit the country at the very moment they hoped to effect a treaty.[1] The consultation on the King's two letters must have cost much thought and anxiety, but the result was an unanimous decision that "the relief of Exeter was to proceed, and "that the Prince's person was to be present at it."[2] A letter was accordingly addressed to the King fully explaining their reasons for not following his injunctions, but with every assurance that the safety of the Prince should be "watched at all hazards."[3]

The muster at Tavistock and other towns in Devonshire amounted to about 6000 foot and 5000 horse, all ready for action; but unfortunately, before the foot had begun to march Lord Wentworth's horse were defeated at Ashburton,[4] and Lord Wentworth arrived at Tavistock proclaiming the success of the enemy and their probable possession of Totness. This account seems to have been exaggerated by alarm, but it was deemed necessary to draw off the blockade from Plymouth, and then Tavistock was no longer thought safe for the Prince's

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 279.

[2] Ibid. p. 280. [3] Appendix P.

[4] "The rout was occasioned by small parties of the enemy, who came "into their quarters, and found no guards, but all the horse in the stables." —Clarendon, ibid. p. 282.

residence, and by the advice of a council of war he moved to Launceston, from whence he still hoped to advance towards Exeter. There were now ready for action "all the horse and foot of Lord Goring,[1] the horse "and foot of Sir Richard Greenvil, the horse and foot of "General Digby, neither of which acknowledged a supe- "riority in the other; besides the Guards, which nobody "pretended to command but the Lord Capell."[2] The day after the Prince's arrival at Launceston a letter was received from Sir Richard Greenvil, which, had it not been that it involved interests of such grave importance, would seem as a burlesque upon the jealousy of command by which the leaders were possessed. Sir Richard Greenvil had himself been guilty of serious neglect in the care of transporting the necessary provisions and clothing from Tavistock, but his letter to the Prince was full of bitter complaints against Major-General Harris, stating that he refused to guard a bridge, as he would receive no orders but from General Digby,[3] whilst General Digby declared he would receive none but from the Prince,—that Lord Wentworth's troops had come into his quarters,—and that, as neither would submit to command, there had actually been fighting and lives lost, and they were at that moment drawn up in hostile array,—and that it was absolutely necessary for the Prince to name one superior officer from whom these independent officers must receive orders; and "knowing," as he added, "that his own severity and discipline had rendered

[1] Now commanded by Lord Wentworth.

[2] Clarendon's 'Hist. of the Rebellion,' vol. v. pp. 303, 304.

[3] Ibid. p. 305.

"him so odious to Lord Goring's troops that they "would sooner choose to serve the enemy than receive "orders from him," he specified the Earl of Brentford or Lord Hopton as fit for Commander-in-Chief. This led to the selection of Lord Hopton; and on the 15th of January, 1645-6, he was appointed to take charge of the whole army,—Lord Wentworth to command the horse, Sir R. Greenvil the foot. It was, says Lord Clarendon,[1] "a heavy imposition, I confess, "upon the Lord Hopton (to the which nothing but "the most abstracted duty and obedience could have "submitted) to take charge of those horse whom only "their friends feared and their enemies laughed at; "being only terrible in plunder and resolute in running "away."[2] Lord Capell's conduct on the occasion formed a notable contrast to that of other commanders. The Guards had been raised at his own expense, and to their command no one else pretended, but he placed himself and his 800 soldiers at once under Lord Hopton's orders, and, adds Lord Clarendon, "to encourage "Lord Hopton to undertake that melancholy charge, "he promised to accompany him throughout the expe-"dition, as he nobly did."[3]

The Prince wrote a letter of thanks to Sir Richard Greenvil for the advice which he had given, and which had been adopted in the appointment of Lord Hopton; but what was the surprise of the Prince and his Council on receiving a letter from Sir Richard, addressed to the Prince, desiring to be excused on account of indisposi-

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 305.
[2] Ibid., p. 306. [3] Ibid., p. 307, n.

tion of health, and accompanied by another to Lord Culpepper, refusing to be commanded by Lord Hopton! Remonstrances were offered in vain. Sir Richard Greenvil persevered in his determination, till at last, wearied with this constant resistance to authority, and in fear lest he should put himself at the head of the discontented party, they determined to arrest and commit him to prison, first to the Governor of Launceston, and a few days afterwards to the Mount.[1] Lord Wentworth wavered in his acceptance of the command on the terms proposed; the Prince required a positive answer, and without delay;[2] Lord Wentworth then accepted—had he refused, the Prince had resolved to commit him also to prison, and the command of the horse was to have been given to Lord Capell. It was the 6th of February before Lord Hopton could move from Launceston, for want of carriages, ammunition, and provision.[3] Dartmouth had been taken by Sir Thomas Fairfax in the latter end of January. This was a serious loss, and naturally tended to weaken and dispirit the Royalist forces; but Exeter called loudly for relief; Lord Hopton therefore determined on marching so far as Torrington, trusting to the Commissioners to forward the remainder of those carriages and provisions that were left behind. In three or four days Sir Thomas

[1] Sir Richard Greenvil remained there till the enemy were possessed of the country. The Prince then gave him leave to go to the continent lest he should fall into their hands.—*Hist. Reb.*, vol. v. p. 309.

[2] When Lord Hopton accepted the command it had been resolved that it should be dutifully submitted to by all other men, or that the refusers should be exemplarily punished.—Ibid., p. 307.

[3] Ibid., p. 313.

Fairfax advanced to Chimley, eight miles only from Torrington. Lord Hopton's strict orders for keeping guard were neglected, and he was only accidentally saved from surprise. He had now no other alternative than to retire quickly into Cornwall, or to await the issue of the enemy's arrival: he chose the latter course as on the whole less certain of dissolving the army than the return within reach of the homes of the train-bands. The result was disastrous: Lord Hopton was wounded in the face with a pike, and had his horse killed under him; one of his officers encouraged the soldiers to fly by reporting him dead, and he found himself deserted by all but a few faithful followers, and, mounting a fresh horse, was obliged to retire to the borders of Cornwall.[1]

[1] Lord Clarendon describes the cowardice and treachery with which Lord Hopton's troops deserted him on this occasion; whilst the following letter from Sir Thomas Fairfax to his father claims the honour of a more difficult victory. It seems however principally owing to the decisive step taken by Lord Hopton in blowing up the magazine that Sir Thomas Fairfax found a serious resistance:—

"*For the Right Honourable the Lord Fairfax, in Queen Street, London.*

"May it please your Lordship,—I shall not need to give your Lordship "the particulars of the good success God hath given us at Torrington "against the Lord Hopton, for the letters to the Parliament will fully "relate it. It was as hot service as any hath been since our coming forth; "the enemy showed more resolution than ever; I saw them after we were "come into the town. Their magazine, which lay in the church, which "was almost eighty barrels of powder, took fire, and blew up all the "church—timber, stones, and sheets of lead, showering down as hail on "all parts of the town. I believe there were 200 of the enemy prisoners, "and some of our own men blown up and buried in the ruins of the "church. I must acknowledge God's great mercy to me, and some others "that stood where great webs of lead fell thickest, yet, praised be God, "no man hurt; only a horse of a gentleman of the Life Guard that stood "by me killed. I could not but mention this as one of the strange acci-

Here, in a few days, he was again joined by about 1200 of the foot; from thence he proceeded to Bodmin, where he was again pursued by the enemy, disobeyed and betrayed by his followers, and obliged to draw off farther westward. Lord Hopton's own account of the undisciplined state of his army was "that, from the "time he undertook the charge to the hour of their "dissolving, scarce a party or guard appeared with half "of the number appointed, or within two hours of the "time."

The project of the Prince taking the field in person was abandoned when Lord Hopton assumed the command. The Council felt that the disaffection was too great and the number too small for him to venture his person with the army, and accordingly he retired to Truro, where he arrived on the 12th of February.[1] A letter was there received from the King, addressed to those four of the Council who had written jointly to his Majesty from Tavistock. The first words of the letter must have removed at once from their minds any fear that the King might not have acquiesced in

"dents that I have seen, and as great a providence in preservation of "some. Those horse are all gone into Cornwall, whither we shall pre- "sently follow them. I shall give your Lordship a further account of "things here as there is occasion: so, humbly desiring your blessing, re- "main

"Your Lordship's most obedient Son,

"Torrington, 18th February, $16\frac{45}{46}$. "T. FAIRFAX.

"Since the writing of this, I understand the man that gave fire to the "powder did confess that Lord Hopton did promise him thirty pounds "to do it, I sent to examine him further, but he was senseless with the "bruises he got."—*Fairfax Papers*, edited by Robert Bell, vol. i. p. 285.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 310.

the justice of their arguments or the propriety of their resistance to his all but peremptory commands for the immediate departure of the Prince from England. The letter was dated Oxford, 5th February, and began thus:— "Yours from Tavistock hath fully satisfied me why my "commands concerning Prince Charles's going beyond "sea were not obeyed, and I likewise agree with you in "opinion that he is not to go until there be an evident "necessity, also approving very much of the steps "whereby you mean to do it." He then repeated his wish that his son should leave the country whenever there was "visible hazard" of his falling into the hands of the rebels; and expressed his satisfaction that he should be at the head of the army.[1] The time was now at hand when the necessity of which the King spoke was becoming but too evident. The Prince, having stayed some days at Truro, went to Pendennis, and was intending to return to Truro, when Lord Capell and Lord Hopton sent word that "they had severally "received intelligence of a design to seize the person of "the Prince, and that many persons of quality in the "county were privy to it."[2] There was now no time to be lost; suspicions were entertained of the fidelity of some of the Prince's own servants,[3] and the necessity of his immediate departure became evident; but to this step another obstacle presented itself. The four of the

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 317. See his Majesty's letter to the Lords Capell, Hopton, Culpepper, and Sir Edward Hyde, Appendix Q.

[2] Ibid., p. 317.

[3] There seem to have been suspicions of treachery even in Lord Capell's own troop. See Appendix R.

Council who had acted in perfect harmony had been obliged on this subject to avoid taking others of the Council into their confidence; and though they had advised and even proposed to the King the form in which a letter expressive of his wishes should be written that could be shown to the whole Council, none such had ever arrived. Lord Capell and Lord Hopton were away with the remnant of the army; there remained therefore but Lord Culpepper and Sir Edward Hyde with the Prince who knew the King's pleasure or what was to be done. By those two it was agreed that the Prince's going away "must seem to be the effect of "counsel, upon necessity and the appearance of danger "to his person, without any mention of the King's "command."[1]

The difficulty was to secure this resolution on the part of the remainder of the Council; and though they knew well the opinion of Lord Capell and Lord Hopton, they could not own that knowledge to the other members of the Council without betraying both their present purpose and their former concealment. It was proposed therefore, in presence of Lords Berkshire and Brentford, to send a confidential messenger[2] to Lord Capell and Lord Hopton, to ask their opinion and advice on what "was best to be done with reference to the person of the "Prince, and whether it were fit to hazard him in Pen-"dennis." The advice they received in return was of course such as Lord Culpepper and Sir Edward Hyde expected—viz. "That it was not fit for the Prince to

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 318.
[2] Mr. Fanshawe.

"adventure his person in that castle, which would not "only not preserve his person, but probably by his stay "there might be lost, and by his absence might de- "fend itself; and that he should remove to Jersey or "Scilly."[1] Fortunately, to this advice the Council unanimously agreed. A ship, that had long been secretly kept in attendance for the purpose of the Prince's escape, was now in readiness. On Monday, 2nd March, came the news that the army was retiring from Bodmin, and the enemy gaining fast upon them. The governor of the castle[2] and his son were now called into confidence to facilitate the Prince's departure; and on that night, Monday, March 2nd, at ten o'clock, the Prince went on board, and on Wednesday, the 4th, reached Scilly in safety.[3]

During this time the Lords Hopton and Capell were struggling hard to rekindle the last embers of expiring loyalty, and restore obedience in the disaffected, licentious, disorganised, and routed army. It was in vain: the principal officers declared that their men would never be brought to fight; and, with the exception of one (Major-General Webb), all declared for "sending "for a treaty."[4] Lord Hopton refused to do so without having the Prince's consent. The officers and soldiers murmured at any delay. Many began to go over to the enemy, and it was probably at their suggestion that Sir

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 319.

[2] Sir Francis Basset was governor of the Mount.

[3] Lady Fanshawe says that the Prince and his Council embarked themselves in a ship called the Phœnix for the Scilly Isles, and went from the Land's End.—Memoirs of Lady Fanshawe, p. 57.

[4] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 321.

Thomas Fairfax sent a trumpet with a letter to Lord Hopton, offering to him a treaty, and also making propositions to the officers and soldiers; but Lord Hopton communicated this letter to one or two only of principal trust. The officers then assembled together; and they resented Lord Hopton's reserve with respect to Sir Thomas Fairfax's letter, and declared "that, if he would "not consent, they were resolved to treat themselves." From this moment all command, and therefore all hope, was at an end. Lord Hopton sent his ammunition and foot into Pendennis and the Mount, and "declared that "he would neither treat for himself nor the garrisons:"[1] but he gave the horse leave to treat for themselves, and articles were concluded by which that body was dissolved. The enemy's whole army had now entered Cornwall, and Lord Hopton and Lord Capell sailed with the first fair wind from the Mount, to join the Prince in the island of Scilly.

Thus ended this disastrous campaign, after twelve months of severe and bitter struggle — a contest in which the Council of the Prince had more to contend with in the misplaced pride, the mean intrigues, the haughty insolence, the sordid interest, the cruel licence, and the selfish disaffection of those who should have respected their authority and supported their cause, than from the open attacks of their declared enemies. Whether the original scheme of investing a youth of the Prince's age with a nominal command, which was really to be exercised by a Council, and

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 322.

which thus placed the direction of military movements in the hands of those who were not regarded as military chiefs, was a plan founded in wisdom, or well adapted for success, must at least be regarded as a very doubtful question. Sir Edward Hyde felt from the beginning that their authority would be insufficient for the duties required at their hands;[1] the magnitude and multiplicity of the difficulties were, however, greater than human foresight could anticipate, and were doubtless much increased by the ill success that had attended the King's arms in other parts. The Royal cause was falling, and this naturally dispirited the troops, weakened the hopes that had bound them together, and relaxed the discipline, without which no army can act with effect, and which was so peculiarly necessary when the forces were in many instances composed of volunteer soldiers and inexperienced officers. The Prince quitted his father holding two commissions that gave him nominally supreme command as head of the army and as head of the Western Association, and the members of his Council received full power to use that authority in his name; yet, whilst they bore the heavy weight of responsibility, they often found themselves impotent to command, and their independence of action too often crossed and thwarted by the King himself.

But in the midst of so much that exhibits human nature in some of its worst forms and meanest aspects, it is edifying to look at the nobler spectacle of good men struggling with adversity. In the conduct of those four

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 116.

of the Council who were mainly concerned in the direction of these affairs is to be found the unwearied zeal, the patient forbearance, the prudent forethought of practical men of business; whilst, in their endurance, their fidelity, and their self-sacrificing spirit, they showed the enthusiasm of the most chivalrous loyalty. It was indeed the ready spirit of self-devotion which peculiarly marked the character and conduct of Lord Capell throughout his career. He had been ever foremost with his tongue, his purse, his time, his abilities, his sword, and his person, to assist the cause he espoused; the first to speak on the grievances of his country, the first to tender his security for the money to be borrowed from the City, and himself to contribute the largest sum when required; ready on two separate occasions to use his influence and his fortune in raising troops for the King, and to take the command of the guards he had enlisted in the service of the Prince; ready to give to others the example of submission, in placing himself and his guards at the disposal of Lord Hopton; foremost to share with him in the forlorn hope that could earn no laurels but the respect of posterity, and which left him, with that commander, the honour of refusing to surrender to the enemy, though the latest in quitting the field.

CHAPTER V.

Correspondence between the Parliament and the Prince — the Prince removes to Jersey — the Queen presses for his removal to Paris — He sends Lords Capell and Culpepper to the Queen — Lord Digby, M. de Montreuil, and Mr. Ashburnham, arrive at Paris — Lords Capell and Culpepper return to Jersey — the Council deliberates, and the Prince resolves to go to Paris — the Council decline to accompany him — His Departure — Occupations of the Councillors at Jersey — Lord Capell leaves the Island.

A NEW scene of action was now opened to the faithful Council who followed the Prince's fortunes. The Prince remained in the island of Scilly from the 4th of March till the 16th of April; Lord Capell and Lord Hopton had been detained at the Mount by contrary winds, and did not join the Prince till the 11th of April; by the same vessel that conveyed them came a trumpet from Fairfax, bearing a message from Parliament.

On the 30th of March the two Houses of Parliament agreed on a measure of which the object was to get possession of the person of the Prince of Wales, and the following letter of invitation, that was little else than a summons to surrender at discretion, was addressed to his Highness:[1]—

SIR,

The Lords and Commons assembled in the Parliament of England, being informed that your Highness is lately removed into the Isle of Scilly, have commanded us, in their

[1] See letter of Sir Edward Hyde to Colonel Richard Arundell.—Clarendon *State Papers*, vol. ii. p. 229.

names, to invite you to come forthwith into their quarters, and to reside in such place, and with such council and attendants about you, as the two Houses shall think fit to appoint. This being all we have in charge, we take leave to rest your Highness' humble servants,

MANCHESTER, Speaker of the House of Peers *pro tempore.*

WM. LENTHALL, Speaker of the Commons House in Parliament.

March 20, 1646.

The morning after the receipt of this letter a fleet of about twenty-seven of the Parliament's ships encompassed the island. Scilly was ill provisioned,[1] and in no condition to afford protection to the Prince in case of attack; but, fortunately for his safety, a violent storm dispersed the ships within a few hours, and continued to rage for two days afterwards. The answer to the Parliament was sent by Sir Joseph Seymour, and was as courteous in terms as the case admitted.

The Prince of Wales's Answer to the Parliament's Invitation.

To the Lords and Commons assembled in the Parliament of England.

We have received your message, of the 30th of March, the 11th of this present, by which you, being informed of our late remove into this island of Scilly, do invite us to come forthwith into your quarters, and to reside in such place, and with such council and such attendants about us, as you the two Houses shall

[1] Lady Fanshawe says, "We were destitute of clothes and meat; and "fuel for half the court to serve them a month was not to be had in the "whole island; and truly we begged our daily bread of God, for we thought "every meal our last. The Council sent for provisions to France, which "served us, but they were bad and a little of them."—*Memoirs of Lady Fanshawe*, p. 60.

think fit to appoint. We have a great and earnest desire to be amongst you, if we might have any assurance that it would prove an expedient towards a blessed peace and the composure of these miserable distractions; and therefore, when we were compelled to depart from Cornwall, we chose this poor island to reside in, where we hoped we might have securely attended God's pleasure till we might have been made an instrument towards a happy peace; but the scarcity of provisions being such in this place, that we have not since our coming hither, which is now about six weeks, received one day's victual, though we left servants of our own in our duchy of Cornwall to take care for our necessary supply, we are again compelled to remove to the island of Jersey, whither we hope God Almighty will direct us, which place we chose the rather, as well being part of the dominions of our royal father (which as yet is evident to you we have no purpose to quit), as being much nearer to you; and so fitter for correspondency: and therefore, that we may the better receive advice from you, with which we shall always comply as far as with our duty and piety we may, we desire you to send us a safe-conduct for the Lord Capell to come to you, and to receive from you such particular propositions for our welfare and subsistence as you think fit to make; and that he may then attend our royal father, and return to us at Jersey: and thereupon we hope, by the blessing of God, you will receive such satisfaction as shall testify the great desire we have, and shall always have, to follow the counsel and advice you shall give, which will be an unspeakable comfort to us.

Given at our court in the isle of Scilly, the 13th of April, 1646.

CHARLES P.[1]

[1] No reply seems ever to have been made to this letter of the Prince's, nor any safe-conduct sent to Lord Capell.

Two days after the Prince's first landing in Scilly, Lord Culpepper had proceeded to France, to acquaint the Queen with her son's arrival there, and to beg for assistance and supplies; but no succour came from that quarter; and the Prince and his Council both felt the difficulty and danger of remaining where they were, and the necessity of seeking greater safety in Jersey. One objection only weighed with the Council—viz. the fear lest, by stress of weather, he should be driven to land in France, an event which would have been prejudicial in the extreme to the King, if, as it was reported, he was then in London conducting a treaty. The Prince then produced in council the following letter from his father, written shortly after the battle of Naseby, and which he had hitherto concealed from the knowledge of any, and "which truly," says Lord Clarendon, "I "think was the only secret he had ever kept from the "four he had trusted:"[1]—

Letter from the King to the Prince.

CHARLES, Hereford, the 23rd of June, 1645.

My late misfortunes remember me to command you that which I hope you shall never have occasion to obey; it is this:—If I should at any time be taken prisoner by the rebels, I command you (upon my blessing) never to yield to any conditions that are dishonourable, unsafe for your person, or derogatory to regal authority, upon any considerations whatsoever, though it were for the saving of my life; which, in such a case, I am most confident is in greatest security by your constant resolution, and not a whit the more in danger for their threatening, unless thereby you should yield to their desires.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 361.

But let their resolutions be never so barbarous, the saving of my life by complying with them would make me end my days with torture and disquiet of mind, not giving you my blessing, and cursing all the rest who are consenting to it. But your constancy will make me die cheerfully, praising God for giving me so gallant a son, and heaping my blessings on you; which you may be confident (in such a case) will light on you. I charge you to keep this letter still safe by you until you shall have cause to use it, and then, and not till then, to show it to all your Council, it being my command to them as well as you; whom I pray God to make as prosperously glorious as any of the predecessors ever were of

Your loving father,

CHARLES R.[1]

This letter decided the question. There was great probability that further attempts would be made to secure the person of the Prince; the island afforded no means of resistance to any attack, and, with the exception of Lord Berkshire, the Council were unanimous in their decision for quitting it. The storm had ceased, the wind was in their favour, and the Prince, with his Council and attendants, embarked on the 16th of April, and, setting sail for Jersey,[2] landed there in safety, after a passage of twenty-four hours.

On the night of their arrival a messenger was de-

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 361.

[2] This short voyage was not, according to Lady Fanshawe's account, without its dangers. "We set sail for Jersey, where we safely arrived, "praised be God, beyond the belief of all the beholders from that island; "for the pilot, not knowing the way into the harbour, sailed over the rocks, "but being spring tide, and by chance high water, God be praised, his "Highness and all of us came safe ashore through so great danger."—*Memoirs of Lady Fanshawe*, p. 60.

spatched to the Queen to announce their safe arrival, and another to Lord Culpepper for the same purpose; he received the news at Havre, where he was awaiting a wind to carry him to Scilly, being the bearer of the Queen's positive command to the Prince to remove from that island. The fulfilment of this command was anticipated by his being already in Jersey; and, after mature consideration, the Council came to the conclusion that Jersey was the fittest place for him to be in at the present juncture of affairs, "and the Prince himself "seemed to have the greatest aversion and resolution "against going into France."[1]

A letter written by the Queen in cipher to Sir Edward Hyde, dated Paris, the 5th of April, reached Jersey before Lord Culpepper's arrival. She said Lord Culpepper must be her witness that she had listened patiently to all that he could say in favour of the Prince remaining at Scilly; but she could not sleep in quiet till she knew that he was removed from thence. She warmly represented all the danger of that place, and pointed to Jersey as one of safety, and to which she promised to send provisions, shipping, and money, so that he should want nothing.[2] The Prince and the Council were much relieved by the receipt of a letter which expressed so strongly the wish for that very step which they had taken. Great was the disappointment, therefore, when they found, on Lord Culpepper's arrival, that the Queen's wish for Jersey was only to secure the Prince's removal from Scilly, and Jersey

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 363.
[2] Ibid., p. 364.

was only desired as a reason for a journey through France, or as a stepping-stone to France. This letter was followed by others from the Queen, most importunate on the subject of the Prince's removal to France. A letter received from the King, dated Oxford, the 22nd of March, written in a tone that the Council were little prepared for, produced far greater embarrassment, and effected a change in the sentiments of the Prince, though not in the opinion of his Council, with the exception of Lord Culpepper. The King had latterly, in all his letters, spoken of Denmark as the place to which he wished his son to repair; and yet by this letter he now seemed to expect that he was already in France.[1] The letter was sent by Lord Jermyn, "in "whose cipher it was writ,[2] and was by him deciphered "for the Prince." It contained not only the former exhortation to obedience to his mother in all things save his religion, but for the first time superseded the authority of the Council for that of the Queen, saying, "I command you to be totally directed by your mo- "ther, and (as subordinate to her) by the remainder of "that Council which I put to you at your parting from "hence." It is difficult to resist the supposition that this letter, written by the King in the cipher used by the Queen's favourité, Lord Jermyn, and deciphered by him for the Prince, was either due to her influence over her husband, or was deciphered with such alterations as suited her views respecting her right to rule both the Prince and his Council. This letter, together with the

[1] See Appendix S.

[2] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 365.

"passionate commands" of the Queen and the impression which the Prince received in private from Lord Culpepper, whose views had undergone a change by his visit to the Queen, worked upon him so far that he now began to incline towards adopting the plan of leaving Jersey for France.[1] The Council, with the exception of Lord Culpepper, represented strongly the inconvenience and danger that this resolution might occasion. The conduct of the French Court had not been such from the beginning of the disturbances as to justify any confidence in their friendliness,[2] and the Council feared that the departure of the Prince from the kingdom might be prejudicial to the King's affairs.

These arguments had sufficient weight with the Prince to induce him to postpone his departure and to send Lord Capell and Lord Culpepper to Paris to represent more fully to the Queen the grave importance and responsibility of the step on which she was so bent. Their instructions were first to explain the grounds of confidence in the security of Jersey, and then "to beseech her," as Lord Clarendon relates, "to "consider whether it be not absolutely necessary, before

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 366.

[2] When the Prince was in Cornwall Sir Dudley Wyatt was sent by Lord Jermyn to assure him that 5000 foot were actually raised under the command of Ruvignie, and should be embarked in less than a month for Pendennis. None arrived; and it turned out that not a man was ever hired, and that the name of Ruvignie had only been mentioned casually by the Cardinal as one who would be fit to command if any troops were sent to England; and this he thought sufficient warrant to justify holding out, both to the King and to the Prince, expectations of certain assistance. No wonder that the Council should feel but little confidence in the promises, supposed or real, of France, or in the discernment and judgment of Lord Jermyn.—Ibid., p. 359.

" any thought of our remove from hence be entertained, " that we have as clear an information as may be got of " the condition of our royal father and the affections of " England; of the resolutions of the Scots in England, " and the strength of the Lord Montrose in Scotland; " of the affairs in Ireland, and the conclusion of the " treaty there; that so, upon a full and mature prospect " upon the whole, we may so dispose of our person as " may be most for the benefit and advantage of our " royal father, or patiently attend such an alteration " and conjuncture as may administer a greater advan- " tage than is yet offered; and whether our remove out " of the dominions of our royal father (except upon " such a necessity or apparent visible conveniency) may " not have an influence upon the affections of the three " kingdoms to the disadvantage of his Majesty."[1] The Queen was much disturbed at the arrival of the two lords without the Prince, and at once declared herself " not to be moved with any reasons that were or could " be given for his stay, and that her resolution was " positive and unalterable."[2] This reception afforded but feeble hope of making any impression on her Majesty; but they at last prevailed upon her to suspend her present " commands for the Prince's removal from " Jersey until he should have clear intelligence where " the King was and how he was treated, though, at the " same time, she declared a positive resolution that his

[1] Two days after Lord Capell and Lord Culpepper departed for Paris, Sir Dudley Wyatt arrived in Jersey with the news that the King had left Oxford before the break of day with only two servants,—to what place uncertain.—Hist. of the Rebellion, vol. v. p. 369.

[2] Ibid.

"Highness should come to Paris, let the intelligence be "what it could be."[1] The day after the Lords Capell and Culpepper had left Jersey Lord Digby arrived there; he came in order to convince the Prince and his Council of the unquestionable expediency of the Prince's immediately sailing for Ireland, and was equally urgent against all idea of complying with the Queen's commands. He spoke of the thoughts of his going into France as the "most pernicious counsel that ever could "be given; that it was a thing the King his father "abhorred and never would consent to; and that he "would take upon himself to write to the Queen, and "to give her such solid advice and reasons that should "infallibly convert her from that desire, and that should "abundantly satisfy her that his going into Ireland was "absolutely necessary."[2] Having failed to convince the Prince and his Council of the expediency of his going to Ireland, he started immediately for Paris, "not "making the least question but that he should con-"vert the Queen from any further thought of sending "for the Prince into France, and as easily obtain "her consent and approbation for his repairing into "Ireland."[3]

The result of his visit was precisely the contrary to

[1] 'They soon afterwards learnt that the King had put himself into the Scottish army before Newark.'—Clarendon's 'Hist. of the Rebellion,' vol. v. pp. 380, 381.

[2] Lord Digby was so strenuous upon this point, that he actually proposed to one of the Prince's Council to give his consent to a plan he had devised for carrying him to Ireland by stratagem. He proposed inviting the Prince on board one of the frigates to a collation, then hoisting the sails, and never stopping till they reached Ireland.

[3] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 375.

the objects for which it was undertaken. The Queen was unshaken in her resolution, and Lord Digby, speedily flattered, cajoled, and deceived by the Cardinal, was converted from his own opinion, and became the strenuous advocate for the Prince's removal from Jersey to Paris. The change thus wrought in Lord Digby's views, and the influence formerly exercised by the Queen and the Cardinal on Lord Culpepper's opinions, probably strengthened their hopes that Lord Capell might also yield, and the arrival of the French envoy, Monsieur de Montreuil, from England, furnished new matter wherewith to combat his objections to their project. Monsieur de Montreuil professed to be the bearer of a message from the King in confirmation of a letter which Lord Clarendon thus significantly mentions: "It "was *pretended* that he had brought a letter from the "King, which was deciphered by the Lord Jermyn, in "which he said that he did believe that the Prince "could not be safe anywhere but with the Queen, and "therefore wished that if he were not there already he "should be speedily sent for."[1] The interest of Monsieur de Montreuil's message was completely nullified, however, by the arrival of one who had been with the King but the day before Monsieur de Montreuil's last interview, and whom the King was far more likely to have chosen as the depository of his real sentiments, viz. his faithful attendant, Mr. Asburnham.

Mr. Ashburnham brought neither message nor letter in confirmation of those of which Monsieur de Montreuil was "pretended," or "professed himself to be" the bearer. Mr. Ashburnham confessed to the Lord Capell that he

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 381.

"thought it very pernicious to the King that the Prince "should come into France in that conjuncture, and "before it was known how the Scots would deal with "him; and that the King's opinion of the convenience "of his coming into France could proceed from nothing "but the thought of his insecurity in Jersey."[1]

Mr. Ashburnham brought exact information of the King's position. He was now at Newcastle, and it was too clear that he was little better than a prisoner in the hands of the Scots. Lord Capell, ever foremost in tendering his services when difficulty was to be encountered or danger overcome, immediately volunteered to go himself to Newcastle, there to receive the King's positive commands with respect to the Prince, pledging himself and the Council to obedience to his will. This proposition showed plainly how little reliance Lord Capell placed on the testimony of Monsieur de Montreuil, or on the good faith of the Queen and Lord Jermyn, all of whom pretended to have certain knowledge as to the King's pleasure. The Queen was by no means inclined to put the truth of their assertions to the test by accepting this offer. She was inexorable, and only declared she would now have no further delay; that "the Prince should immediately repair to "her; and for that purpose she sent Lord Jermyn "(who was Governor of Jersey), Lord Digby, Lord "Wentworth, and Lord Wilmot, and other lords and "gentlemen, who, with the two Lords that had been "sent to her by the Prince, should make haste to "Jersey, to see her commands executed."[2] Lord Capell

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 382.
[2] Ibid., p. 382.—Appendix T.

and Lord Culpepper had no further choice than to obey; and, towards the end of June, after three weeks spent in vain, they embarked with those appointed by the Queen to accompany them, and returned to Jersey. A letter from the Queen to the Prince, couched in terms more imperative than ever, was intrusted to those Lords sent to see her wishes fulfilled. The letter was delivered so soon as they kissed the Prince's hand, and they at once desired that the Council might be immediately called. Lords Jermyn, Digby, and Wentworth presented themselves also at the Council, and requested the Prince "that his mother's letter might be read, and "then, since they conceived there could be no debate "upon his Highness's yielding obedience to the com-"mand of the King and Queen, that they might "only consider of the day when he might begin his "journey." [1]

The Lords of the Council represented to the Prince that they alone were accountable to the King and to the kingdom "for any resoluion his Highness should "take, and for the consequences thereof." They therefore strongly objected to the presence of those Lords, who were in no way responsible for the Prince's actions, and who, not being responsible, were neither entitled to be present, nor to tender their advice. This produced an angry discussion, and all further debate on the subject of the Queen's letter was adjourned. The following day the Council again met; the Lords, either because they would not yield, or because the Council felt it useless to offer any further resistance, were again

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 399.

present; and Lord Capell then gave an account of all that had passed with the Queen during the time he and Lord Culpepper were at Paris,[1] and delivered his opinion on the course that should be adopted. He stated "that the reasons they had carried from the "Prince had so far prevailed with the Queen that her "Majesty resolved to take no final resolution till she "received further advertisement of the King's pleasure, "and he did not think that the information she had "received from Monsieur de Montreuil had weight "enough to produce the quick resolution it had done; "that he thought it still most absolutely necessary "to receive the King's positive command before the "Prince should remove out of his Majesty's own do- "minions, there being no shadow of cause to suspect his "security there; that he had then offered to the Queen "that he would himself make a journey to Newcastle, "to receive his Majesty's commands, and that he now "made the same offer to the Prince; and because it "did appear that his Majesty was very strictly guarded, "and that persons did not easily find access to him, "and that his own person might be seized upon in "his journey thither, or his stay there, or his return "back, and so his Highness might be disappointed of "the information he expected, and remain still in the "same uncertainty as to a resolution, he did propose "and consent to as his opinion, that, if he did not "return again to Jersey within the space of one month, "the Prince should resolve to remove into France, if "in the mean time such preparations were made there

[1] Clarendon's 'Hist of the Rebellion,' vol. v. p. 400.

" as he thought were necessary and were yet defective." He said, "he had been lately at Paris, by the Prince's " command, and had received many graces from the " Queen, who had vouchsafed to impart all her own " reasons for the Prince's remove, and the grounds for " the confidence she had of the affections of France; " but that he did still wonder, if the Court of France " had so great a desire as was pretended that the " Prince of Wales should repair thither, that in the " two months' time his Highness had been in Jersey " they had never sent a gentleman to see him, and to " invite him to come thither, nor had those who came " now from the Queen brought so much as a pass for " him to come into France; that he could not but ob- " serve that all we had hitherto proposed to ourselves " from France had proved in no degree answerable to " our expectations, as the 5000 foot which we had " expected in the West before the Prince came from " thence; and that we had more reason to be jealous " now than ever, since it had been by the advice of " France that the King had now put himself into the " hands of the Scots; and therefore we ought to be " the more watchful in the disposing of the person of " the Prince by their advice likewise." He concluded, " that he could not give his advice or consent that the " Prince should repair into France till the King's " pleasure should be known, or such other circum- " stances might be provided in France as had been " hitherto neglected." [1]

[1] Lord Capell committed to paper his thoughts on the subject of the Prince's removal to Jersey. These " Considerations upon his Highness

Lord Capell's prudent and reasonable advice was overborne by the arguments of Lord Digby and Lord Jermyn, and the generous offer of his own services was disregarded in favour of their confident assurances of the good faith of France and the assistance that country was willing to afford the King whenever the Prince was ready to take the command of the 30,000 men that should be immediately ready for his service in England. The Prince made his own election between the Council appointed by his father and the emissaries of the Queen and dupes of Cardinal Mazarin. He declared he "would comply with the commands of "the Queen, and forthwith remove into France; and "that he wished there might be no more debate on "that point, but that they would all prepare to go with "him, and that there might be as great an unity in "their counsels as had hitherto always been."[1] All further arguments were useless: the Council could not hold themselves responsible for acts they did not sanction; but one course, therefore, was open to them, and, with one exception, the whole Council declined to accompany him. That exception was Lord Culpepper, who, though he appears to have concurred with Lord Capell at Paris in wishing for delay till the King's real sentiments were known, had been greatly won over by the Queen or by the Cardinal to agree in the expediency of the measure of the Prince's going to France.

"the Prince of Wales his going from Jersey into France" have been preserved amongst his original MSS. in the possession of the Earl of Essex, written in Lord Capell's own hand.—Vide Appendix U.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 403.

The Council broke up after much angry discussion. The Lords of the Council told the Prince frankly that "they conceived their commission to be now at an end; "and that they could not assume any authority by it to "themselves if they waited upon him into France, nor "expect that their counsels there should be hearkened "unto when they were now rejected."[1] They then took leave of him, and kissed his hand, whilst he declared he would be gone the next day by five o'clock in the morning. Contrary winds detained him four or five days longer, during which time, with that easy good-nature which distinguished him in after life, he continued to receive, with uninterrupted graciousness, the Lords of the Council whose advice he had thus disregarded, and expressed to them his confidence "in their "affections, and that they would be sure to wait upon "him whenever his occasions should be ready for their "service."[2] On the 26th of June the Prince sailed from Jersey, under the guidance of Lord Jermyn, Lord Wilmot, and Lord Digby.[3] To accompany those who had so often betrayed their trust or been fickle in their service, the Prince quitted the wise, the faithful, the gallant Hopton, Capell, Hyde! The seeds were surely now beginning to be developed of that careless ingratitude and heartless facility that made Charles, when in power, forgetful of those services that he should have remembered and rewarded, the easy dupe to those who

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 403.

[2] Ibid., p. 404.

[3] Lady Fanshawe says, "It was about the beginning of July that the "Prince left Jersey; that they went to Cotanville, and from thence to "Paris."—P. 63.

flattered his inclination, and the willing prey to the designs of evil counsellors.

The following letters, addressed by the remnant of the Council to both the Queen and the King, do honour to them for the respectful openness with which they expressed their reasons for adhering to the cause they deemed most consistent with their duty to the King:—

The Lords Capell and Hopton and Sir Edward Hyde to the Queen.

May it please your Majesty,

Having, with all duty and faithfulness (agreeable to the great trust reposed in us by our Majesty), presented unto his Highness in Council our humble opinions and advice for suspending his journey into France for a time till the condition of his Majesty's affairs may be better understood, and his positive commands received, and our reasons why we could not attend his Highness thither, conceiving ourselves to be of no possible use to him in the managing the circumstances when, in our poor understanding and conscience, we were against the journey itself; we beseech your Majesty to make a gracious interpretation of our absence, and to be assured that, as our loyalty and affection to his Majesty's crown, and our devotion to your royal person, hath been, and we are confident still is, unblemished and unquestionable, so we are only waiting a fit season and opportunity in which we may serve his Majesty and his Highness as becomes us, and in the capacity of,

Madam,

Your Majesty's, &c.

—Clarendon State Papers, vol. ii. p. 239.

The Lords Capell and Hopton and Sir Edward Hyde to his Majesty.

May it please your Majesty,

Your Majesty's great justice and goodness will always preserve your faithful servants from any misapprehension in your Majesty of their affection and duty, and from any disadvantage that a misrepresentation of them may threaten; and therefore we are confident that your Majesty will pardon us that we have rather chosen to wait a seasonable opportunity in this island to return to some condition and capacity of serving your Majesty, than to attend his Highness into France, where our attendance and counsel would be of no further use to him. We should have been very glad if his residence might have been continued here till your Majesty might have been informed of the unquestionable security and advantages of this island, and thereupon have signified your royal pleasure. But as we shall always pray that his remove may be as prosperous to him as his princely virtue and piety deserves, so we shall employ all the faculties of our mind in finding out any opportunity of serving your Majesty, as becomes,

Sir,

Your Majesty's most dutiful
and most obedient servants,

ARTHUR CAPELL.
RALPH HOPTON.
EDWARD HYDE.

Jersey, this 15th of July, 1646.

—Clarendon State Papers, vol. ii. p. 240.[1]

[1] Lord Clarendon alludes to this letter in another, written a few months later; and in that, and also a letter to Lord Jermyn, dated January 1, 1646-7, he evidently maintained the same opinions respecting the removal of the Prince from Jersey.—Vide Appendix V.

A remark of Lord Clarendon's, dated Jersey, July 31st, 1646, shows that the treatment the Council experienced from these friends of the Queen was not the less felt by him, though he scrupulously abstained from giving expression in his History to that which had been personally painful to himself and others: "I conceive "I have omitted very few particulars in this plain "narration which in any degree had reference to the "public: particular injuries and indignities to ourselves "I have purposely omitted very many; and, with "modesty enough, I may believe that they who are "the severest censurers of our whole carriage would "not have committed fewer mistakes if they had been "in our places and conditions." [1]

A few days after the departure of the Prince Lord Berkshire returned to England; Lord Capell, Lord Hopton, and Sir Edward Hyde remained in the isle of Jersey, to await the moment when they could again appear in the King's service. They found means to convey information to the King of all that had occurred, and had the satisfaction to know that he rightly interpreted the motives by which they had been actuated. It seems, however, that he thought he had reason to regret that they had not accompanied the Prince into France, believing, as Lord Clarendon says, "that they might have been able to have prevented or "diverted those violent pressures which were afterwards made upon him from thence, and gave him "more disquiet than he suffered from all the insolencies

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 370.

"of his enemies."[1] The Council, however, probably judged more rightly in their estimate of the amount of power or influence they would have been able to exercise had they followed the Prince into France. After the rude storms and dangerous rocks and shoals through which the Council had for sixteen dreary months been anxiously steering their course, they must have felt on the sudden cessation of their irksome task as those who have exchanged the perils of the deep for the safety of some haven of rest; and it is a pleasure to dwell on that short period of tranquillity and repose enjoyed without warring or strife by those three of the Prince's Council who were now peacefully settled in Jersey. Lord Clarendon thus describes the manner in which they spent their time:[2]—"Whilst the Lords Capell and Hopton stayed there they "lived and kept house together in St. Hillary's, which "is the chief town of the island, where, having a chap-"lain of their own, they had prayers every day in the "church at 11 o'clock in the morning, till which hour "they enjoyed themselves in their chambers according "as they thought fit; the Chancellor betaking himself "to the continuance of the History which he had begun "at Scilly, and spending most of his time at that

[1] Lord Clarendon considered that, "if the King's fortune had been "farther to be conducted by any fixed rules of policy and discretion," the sudden removal of the Prince from Jersey would "have been looked "upon and censured with severity as an action that swerved from "that prudence which, by the fundamental rules of policy, had been long "established;" but that, "by the fatal and prodigious calamities which "followed, all counsels of wise and unwise men proving equally unsuc-"cessful, the memory of what had passed before grew to be the less "thought upon and considered."—Clarendon's 'Hist. of the Rebellion,' vol. v. p. 406.

[2] See 'Life of Earl of Clarendon,' vol. i. p. 199.

"exercise; the other two walked or rode abroad, or "read, as they were disposed; but at the hour of prayer "they always met, and then dined together at the Lord "Hopton's lodging, which was the best house; they "being lodged at several houses, with convenience "enough. Their table was maintained at their joint "expense only for dinners, they never using to sup, "but met always upon the sands in the evening to "walk, often going to the castle to Sir George Carteret, "who treated them with extraordinary kindness and "civility, and spent much time with them; and, in "truth, the whole island showed great affection to them, "and all the persons of quality invited them to their "houses to very good entertainments, and all other "ways expressed great esteem towards them." The first event that Lord Clarendon mentions as casting a shade on this comparatively happy life was the unexpected death of their friend Sir Harry Killigrew. He had been in the castle of Pendennis, serving with the Governor, John Arundel, of Trerice, when obliged to surrender in the latter end of September. Immediately afterwards he wrote to his friends in Jersey, saying that he was on the point of sailing for St. Maloes (in Brittany), and requesting them to send a vessel from Jersey "that he might join them there; Lord Capell, Lord "Hopton, and the Governor having an extraordinary "affection for him, as well as Sir E. Hyde himself."[1] In two days' time the vessel reappeared: the moment it was in sight all made haste to the harbour to receive him. They found the coffin that enclosed his body.

[1] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 425.

He had received a wound in firing off a carbine after the treaty was signed; he thought the injury of no importance at the time, but died the day after he landed at St. Maloes. By his own desire his body was sent to Jersey, and there interred. He had been a warm adherent of the royal cause, and had been amongst the first who received Lord Hopton, and assisted in raising forces in the West. The little society at Jersey was, in the course of a few months, again broken up: first, by the departure of Lord Capell, which occurred about the beginning of November, and afterwards by that of Lord Hopton.

Lord Hopton, who received the news of his wife's [1] death and his uncle's arrival at Paris, went thither to join him.[2] Sir Edward Hyde remained there for two years, occupied in writing the history of the times [3] in

[1] Elizabeth, daughter of Sir Arthur Capell (aunt to Lord Capell), married, first, Sir Justinian Lewin, and secondly, Ralph Lord Hopton, of Stratton.

[2] Lord Clarendon says he left "with all possible profession of an entire "friendship" with himself, "which was never violated in the least de- "gree to his death."—'Life,' p. 201. Lord Clarendon's letter to Sir Edward Nicholas after that event shows the high estimation in which he held his character and how much he grieved at his loss:—"I do "concur with you in your full sense of the irreparable loss in our good "Lord Hopton, who was as faultless a person, as full of courage, indus- "try, integrity, and religion, as I ever knew man; and, believe me, the "sad consideration of that instance of God's displeasure to us in the "taking away such men from us makes my heart ready to break, and to "despair of seeing better times.

"Palace Royal, this 26th October, 1652."—Clarendon's 'State Papers,' vol. iii. p. 109.

[3] Lord Clarendon describes his having "built a lodging in the castle of "two or three convenient rooms to the wall of the church;" and that over the door of his lodging he set up his arms, with this inscription,— "Bene vixit qui bene latuit."—Life of Earl of Clarendon, vol. i. p. 202. [The words transposed from Ovid, Trist. iii. 4, 25.]

which he had lived, and describing those scenes in which he had been called upon to act no inconsiderable part;—a work which, however variously judged by men of different shades of political opinions or party predilections, has proved beyond dispute a legacy so rich in historical facts and details, combined with acute observation, profound sagacity, and large experience, that posterity has gratefully acknowledged and accepted the inheritance.[1]

[1] Philip Falle's Account of Jersey, p. 102: published 1734. "Methinks there is an honour reflected on this island from *that immortal work* having been, at least in part, compiled amongst us, and written (as I may say) with *Jersey ink*. His residence was in Elizabeth Castle, with his friend Sir George M. Carteret; and there I have seen still standing (and looked on with a sort of veneration) the humble house[2] where that great and good man spent the foresaid five-and-twenty months on that work; the house, in memory of him, retaining a long while after the name of 'La Maison du Chancelier.'"

[2] It stood in the lower ward of the castle, adjoining to the chapel, all which ancient buildings are now demolished.

CHAPTER VI.

Fresh Measures respecting the Sequestration of Lord Capell's Estates — Design of Lord Jermyn to surrender Jersey and Guernsey to the French — Measures taken by Lord Capell and Sir E. Hyde to counteract this Design — Lord Capell goes to the Continent — He returns to England, and visits the King — The Prince removes to Holland, and sails from thence to England — Royalist Movement in Kent and Essex under Lord Norwich — He posts himself at Colchester.

DURING Lord Capell's residence in Jersey the disposal of his estates was again made the subject of Parliamentary legislation. It appears that Cassiobury house, park, &c., having been sequestered, had been rented by Lord Essex.[1] Lord Essex died on the 14th of September, and on the 18th the Committee of Lords and Commons for sequestration made an order for the house, &c., of Cassiobury to be let to Sir William Brereton. On the 21st of October it was recommended by the House of

[1] On the 16th of September in the preceding year (1645) an Ordinance of Parliament was again passed for an annuity of 10,000*l.* per annum to be paid to Robert (Devereux) Earl of Essex, stating that, notwithstanding an Ordinance had passed to the same effect on the 26th of May, 1643, "that "the same had not been paid to the said Earl as in right it ought to have "been:" and accordingly the estates of Lord Capell, Sir Thomas Lucas, Sir Charles Lucas, Sir Thomas Glenham, Thomas Fanshawe, and William Peter, were to be made liable in future to the said Earl of Essex, "imme- "diately from and after the passing of this Ordinance entering into and "taking possession of all or any part of the premises, not being in lease "for years or lives, and taking the rents, issues, and profits of all and "singular, in as large and ample manner, to all intents and purposes," as their owners might have done "before their deserting of the Parliament." —Lords' Journals, vol. vii. pp. 601, 602.

Lords to the Committee for Hertfordshire that Lord Pembroke should be preferred before any other person as tenant for Cassiobury "with the house, park, lands, "and other things the same as Lord Essex had it."[1] On the 26th of October the Committee returned for answer a copy of the order to Sir William Brereton by the Committee for Sequestration, but the Lords were of opinion that that order should be disregarded, and recommended the preference being given to the Earl of Pembroke,[2] and on the 12th of November the House of Lords recommended to the House of Commons that the Earl of Pembroke should be the chosen tenant for Cassiobury.[3] The Committee of Irish Affairs had also their resolutions to offer on the subject of Lord Capell's estates, and on the 25th of September reported their resolution to the House, that Lord Capell's estates should be sold;[4] and on the 30th of October there appears an ordinance for appointing "the sale of the lands "and estates of Lord Capell, and divers other delin-"quents excepted from pardon,[5] the proceeds to be dis-"posed of for maintaining of the forces in Ireland."[6]

[1] Journals of the House of Lords, vol. viii. p. 541.

[2] Ibid., p. 545.

[3] Ibid., p. 562. The following entry in one of the pamphlets of the day would seem as if Lord Pembroke had not eventually become the tenant:—"Sir William Brereton, Collonell Generall for the Cheshire forces, hath Cashiobury, and other lands of the Lord Capel, worth 2000*l.* per annum, and the Archbishop's house and lands at Croiden, where he hath turned the chappel into a kitchen."—The History of Independency, p. 170. Volumes of bound pamphlets from 1642 to 1645, in the possession of the Earl of Essex.

[4] Journals of the House of Commons, vol. iv. p. 676.

[5] Marquis of Winton, Earl of Worcester, Francis Lord Cottington, &c.

[6] Journals of the House of Commons, vol. iv. p. 710.

Notwithstanding this disposal of his estates, Lord Capell now received an intimation from his friends that he would do well for his interest to remove from Jersey into some part of Holland. By this step he hoped at least to obtain an interview with some of those with whom he might confer on his affairs, and, above all, he expected that his two eldest sons might come over to see him.[1] Holland was named, says Lord Clarendon, in order "that, being in a place to which there could "be no prejudice, his friends might the more hopefully "solicit for liberty for him to return into his own "country, and that he might live in his own house, "which they had reason to hope could not be denied "to a person who had many friends, and could not be "conceived to have any enemies, his person being "worthily esteemed by all."[2]

This journey was not to be taken without first visiting Paris, that he might have the Prince's sanction for his return into England, if he might go there upon honourable conditions.[3] The plan of quitting Jersey and the journey to Paris was adopted with the full concurrence, and even by the advice, of his two friends. It was not, however, undertaken by Lord Capell solely on account of his own personal affairs. Information of a design on the part of Lord Jermyn to surrender Jersey and Guernsey to the French had been received by the remnant of the Prince's Council still residing in Jersey. The information came from several sources unconnected with each other, and seemingly

[1] Clarendon's 'State Papers,' vol. ii. p. 288.
[2] Life of Clarendon, vol. i. p. 201. [3] Ibid.

worthy of credit. This, together with Lord Jermyn's faithless conduct in breaking his promises of provisions and supply to these islands, or of repaying the sums generously lent by the islanders to the Prince, gave them just cause of apprehension as to the truth of the design, and induced the most serious consideration of what their own conduct should be under such circumstances, both in regard to their personal allegiance and relation to the King and the Crown and to their duty and affection to their country.[1] This led to an agreement amongst themselves, entitled "Articles of Association "entered into between the Lords Capell and Hopton, "Sir Edward Hyde, and Sir George Carteret, for the "defence of the island of Jersey against a supposed "design of the Lord Jermyn to give it up to the "French."[2] They unanimously arrived at the conclusion that the "delivery of these islands into the hands and "possession of the French cannot consist with the duty "and fidelity of an Englishman, will prove most perni- "cious and fatal to the person of the King and his "posterity, an irrecoverable blemish to his cause, and "will be applied in justification of all those scandals "which have been laid upon the persons of the King "and Queen, and of the proceedings which have been "against them both; that it will be an irreparable and "perpetual damage and dishonour to the Crown of "England and the English nation, by enabling the "French to be masters of the sea and of the English "trade, having Dunkirk already in their hands; to

[1] Appendix W.

[2] Clarendon's 'State Papers,' vol. ii. p. 279.

" which those islands being added, they must have the " whole power of the Channel, being the greatest road " of trade of the known world, and an opportunity to " seize on other useful islands and ports of England; " which damage and disadvantage no succeeding pros- " perity and greatness of England will ever possibly " recover." [1]

To be prepared against this threatened danger they unanimously agreed upon certain measures, by which they first sought to ascertain the truth and extent of the design, and next determined upon the fittest mode of defeating a purpose so abhorrent to their feelings and principles as Englishmen. It was arranged that Lord Capell should go forthwith to Paris on his way to Holland; that he should on his road, and at Paris and at St. Germains, endeavour, by all possible means, to ascertain " the ground and " foundation" of the information they had received at Jersey; that he should in private conversation with the Prince inform him of the rumour, and ascertain if he was aware of the project, and show him " the damage, " inconvenience, mischief, and infamy that would " thereby attend his royal father himself and the Crown " of England; that so his princely innocence might be " preserved, and he be without the guilt, though he " could not be without the loss, of what might happen." [2]

If Lord Capell was satisfied that the design existed and was ripe for execution, though pretending to pursue his journey to Holland, he was to return to Jersey with all possible haste, that they might decide on their

[1] Clarendon's ' State Papers,' vol. ii. p. 280.
[2] Ibid., p. 281.

further means of defence. If the design was not ripe for execution, he was to pursue his journey to Holland, securing means of information from some whom he could trust at St. Germains, and to keep up a correspondence with his friends in Jersey from Holland. It was also agreed that, should the design be found "ready and ripe for execution," Sir George Carteret should send some discreet and faithful messenger to the Earl of Northumberland, or to some other person of honour in the service of the Parliament, to declare his position as being trusted by the King with the custody and government of Jersey for his Majesty's use, and to avow that a duty, "which he hath and will "willingly perform, and in which he hath done nothing "but what becomes an honest man vested with such a "trust." He was then to relate the design of which he had been informed, and declare "that, as a servant "and subject to the King and Crown of England," he would never consent to such a plan, "and on the behalf "of the whole English nation to declare he abhors it as an "unspeakable and irreparable loss and damage and dis-"honour; that he doubts not the consequences of it will "be easily understood, and therefore that a seasonable "remedy may be applied; that, though he be resolved "not to give it up, he cannot be confident that he shall "be able long to keep it without seasonable and fit "supply for his assistance, which he knows not where "to ask but from England, for whose honour, benefit, "and interest he is to keep it; that he hopes that his "fidelity and affection to the Crown and nation of Eng-"land shall not be so ill interpreted as to be made an

"occasion of any proposition or overture to him of "giving it up to the Parliament against his faith and "promise to the King, which he will by the help of "God inviolably observe against all difficulties and "dangers that may threaten him; but if they think the "interest and strength of this island worth the preserv- "ing to the Crown of England, and will thereupon "assist him in that manner that he may not lose that "to the French which he will not give up, he doubts "not to be able to keep this island and castles till, after "a good understanding between his Majesty and all his "subjects, the same shall be disposed otherwise; and "in the mean time no prejudice or act of hostility "shall be exercised from this island against his Ma- "jesty's subjects in England. For the punctual obser- "vation of whatsoever shall be agreed they shall not only "have his own faith, but the engagement of persons of "honour and interest now in the island who have "always faithfully performed what they have under- "taken."[1]

Lord Capell engaged also to endeavour whilst in Holland to make that nation sensible of the damage "they would sustain by the French being possessed of "those islands," and then proceed to England to use his best efforts there to give effect to that which had been agreed upon, and to let his friends in Jersey know "what is to be depended on and expected from thence," and that he should himself take care to levy and raise "such a number of honest men, faithful to the King, as "shall be thought necessary for the safety of the place,

[1] Clarendon's 'State Papers,' vol. ii. p. 281.

" and transporting them hither." These articles of association concluded thus:—

" And because it is possible in the managing and ordering this great work we may be divided in place, one from the other, which is not to be but by joint consent, that every one may have about him the grounds and rules he is to steer himself by, which we do faithfully promise not to swerve from, we have each of us signed four drafts of these resolutions, one of which is with all due secrecy to remain in the hands of every one of us, and not to be further or otherwise communicated than shall be agreed between us or by the major part of us.

" *Jersey, the Old Style, this* 19*th October*, 1646.

" ARTHUR CAPELL. RALPH HOPTON.
EDWARD HYDE. G. CARTERET."

A further agreement was drawn up between Lord Capell and Lord Hopton and Sir Edward Hyde, the generous object of which is best explained in its own words:—

" Since it is very probable that upon this exigent and approaching danger Sir George Carteret may be enforced to engage his and his friends' estates for the sudden provision of necessaries, and in making fortifications to encounter so present an attempt, to the which, if it would stand with our present abilities, we would contribute our share, but that not being in our power at this time, we have thought fit and do of ourselves hereby voluntarily promise Sir George Carteret, that if God shall bless us in such manner that we may be of use to him, we shall use our utmost power to procure him full satisfaction for those sums already disbursed by him in this island for his Majesty's service; and for what he shall now disburse either in fortifications or provisions, upon this occasion, we do oblige ourselves to him (if we see him not satisfied by the public, for

whose benefit it is laid out) to pay three parts of those disbursements out of our own estates, as soon as it shall please God to restore them to us; holding it most unjust and dishonourable that a person of so extraordinary merit towards the Crown and nation of England, and his family, should be ruined or impoverished for doing so unspeakable a service for the kingdom. And how vain and useless soever this promise and opinion of ours may now appear, yet we have entreated him to receive it from us out of a hope and confidence that there will be a time when this engagement and testimony of ours (which they who know us know could not have proceeded from any motive but of honour and justice) will be of use to him or his posterity; at least it will oblige us, and all that depend upon us, to a just acknowledgment of his merit.[1]

"*October 24th*, 1646." In Lord Clarendon's hand.

Whatever may have been the truth respecting the supposed design of Lord Jermyn, it is to be presumed that Lord Capell found no necessity for returning to Jersey, and in December Lord Jermyn took occasion to disclain in company the report concerning the islands.[2] The account of preparations for an event which never took place may have but small pretensions to be detailed in general history; but as it is the province of biography to note whatever tends to illustration of character, intentions as well as conduct become im-

[1] Clarendon's 'State Papers,' vol. ii. pp. 282, 283.

[2] "Ten days since my Lord Jermyn took notice before much company "of the report of these islands, and said he believed the French had "never such a thought; but if they had, he hoped his friends had a better "opinion of him than to believe that, upon any grounds or pretences what-"soever, he could be made an instrument in so infamous a piece of villany. "And if the French, indeed, should make any such attempt upon us, I "believe they will receive a very sour welcome; and take my word, our "Governor is better fortified than his castles, which will hardly be taken." —Clarendon's 'State Papers,' vol. ii. p. 320.

portant; they afford an insight into feelings and principles, and are therefore of value independent of the contingenc ywhich would have brought them into action. The circumstances in which the Prince's Council and Sir George Carteret expected to be placed, and against which they found themselves called upon to provide, would have put to the test their strongest party feelings, their own self-interest, their loyalty, and their patriotism. In defending Jersey against the French they debarred themselves from the power of retiring to France, where at least they would have enjoyed personal safety; and in abandoning his journey to Holland Lord Capell would have made no small sacrifice of his private feelings and pecuniary interest. Lord Capell, Lord Hopton, and Sir Edward Hyde had been personally engaged in the field or in the Senate against the Parliamentary party; they had been deemed delinquents and excepted from pardon by the Parliament, and were necessarily imbued with the bitter animosities that invariably accompany civil strife. There are many, perhaps, who under such circumstances would have given the preference to a foreign ally over their domestic enemy,[1] nor could they be sure of the King's approbation; for, though maintaining their allegiance to him, resistance to whatever the Queen approved was always liable to injurious misconstruction, and it was but too probable that any

[1] Many examples in ancient and modern history show how strong is the tendency in a defeated political party at a time of civil conflict to obtain the assistance of foreigners, and to conspire with them against their own country. The history of the ancient Greek republics, and of the Italian republics of the middle ages, to say nothing of the more recent instance of the French Royalists during the revolution of 1789, exhibits the workings of this principle.

act advised by Lord Jermyn would, through the Queen's influence, be ultimately sanctioned by the King. But neither private objects, party spirit, nor the most devoted loyalty to their King outweighed the consideration of what was due to their religion and their country. They were Protestants, and would not yield the people to Catholic rule; they were Englishmen, and were resolute to prevent her territory, let her rulers be who they might, from passing into foreign possession.

Lord Capell left Jersey at the end of October. Lord Clarendon describes him as taking leave of his friends with great tenderness, and as having "renewed "the contract of friendship at parting in a particular "manner upon foresight of what might happen." Lord Capell's stay at Paris must have been short, as in a letter of the 15th of November Lord Clarendon alludes to the probability of his being then in Holland.[1] Middleburgh in Zealand was the place at which he resided;[2] and on the 13th of February, 1646-7, a pass was ordered in the House of Lords "for Lord Capell to "come into England out of Holland or any part beyond "the seas." The next entry shows that on the 13th of March[3] Lord Capell had arrived "from beyond the "seas by virtue of an order of that House, and that his "Lordship intended to apply himself to make his com-"position for his delinquency;"[4] and it is ordered that

[1] Clarendon's 'State Papers,' vol. ii. p. 292.

[2] Life of Lord Clarendon, vol. i. p. 201.

[3] Journals of the House of Lords, vol. ix. p. 13.

[4] It appears by the list of those who compounded, preserved in the State Paper Office, that Lord Capell never did compound.

"the said Lord Capell is hereby confined to his house "until the pleasure of this House be further signified."[1] On the 15th of July it was ordered by the House of Lords that Lord Capell should be released on bail until the 1st of October, "he to enter into 1000*l.*, and "two sureties in 500*l.* apiece, to render himself a true "prisoner at the same time."[2] He now enjoyed the privilege of living at his own country-house,[3] "where "he was exceedingly beloved," and where he must again have tasted the pleasures of domestic life with his wife and children.[4]

About the middle of August the King was brought by the army to Hampton Court, and thither Lord Capell repaired to present his duty to his Majesty.[5] He gave the King a full account of all that had passed in Jersey before the Prince's departure, explained the reasons which induced some of the Council to remain there, and many other particulars of which his Majesty was before imperfectly informed, whereby, as Lord Clarendon feelingly adds, "he put it out of anybody's "power to do the Chancellor of the Exchequer any ill offices."[6] The King desired Lord Capell to write to Sir Edward Hyde, saying, that whenever the Queen

[1] Journals of the House of Lords, vol. ix. p. 78.

[2] Ibid., 332.

[3] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 475.

[4] Whether he resided at Hadham, or that he was now allowed to occupy Cassiobury, does not appear either by the Journals or by family papers.

[5] Clarendon's 'Hist. of the Rebellion,' vol. v. p. 476.

[6] After this interview with Lord Capell the King wrote "with his own "hand a very gracious and kind letter to Sir Edward Hyde, at Jersey, "full of hope 'that he should conclude such a treaty with the army and "Parliament, that he should shortly draw him and some other of his

or Prince should require him to come to them, he should not fail to yield obedience to their command. To the Queen he also wrote himself, desiring she would not fail to send for Sir Edward Hyde before the Prince engaged in any action, that he might have the advantage of his assistance. The King appears to have spoken confidentially to Lord Capell as to future contingencies; he imparted to him "all his hopes and "fears, and what great overtures the Scots had again "made to him, and that he did really believe that it "could not be long before there would be a war between "the two nations, in which the Scots promised themselves an universal concurrence from all the Presbyterians in England; and that, in such a conjuncture, "he wished that his own party would put themselves "in arms, without which he could not expect great "benefit by the success of the other;" and "therefore "desired Lord Capell to watch such a conjuncture, and "draw his friends together, which he promised to do."[1]

The Scotch Commission now at Hampton Court were full of professions of duty to the King, loudly complained of the presumption of the army in having seized his person, and satisfied all those who were most true and constant to his cause "that their whole nation "would be united to a man in any enterprise for his "service." To the Marquis of Ormond, to Lord Capell, and to other trusty persons, these Commissioners

"friends to him.' He thanked him for undertaking the work he was "upon, and told him he should expect speedily to receive some contribu-"tions from him towards it."—Clarendon's 'Hist. of the Rebellion,' vol. v. p. 476.

[1] Ibid., pp. 476, 477.

communicated their future hopes and plans. The following spring these plans were intended to come into operation. About the beginning of May, 1648, Lord Capell, who had kept up a constant correspondence with Sir Edward Hyde, informed him "that all things "were now so ripe, that he believed the Prince would "not find it fit to remain longer in France," and conjured him to attend his Highness so soon as he was sent for.[1] About the middle of May the Queen, according to the King's order, sent to Sir Edward Hyde, commanding his attendance upon the Prince at the Louvre upon a particular day.[2] Sir Edward Hyde started immediately from Jersey; but, in the mean time, the Prince had gone to Calais, and orders were sent to command him, together with Lord Cottington, Secretary Nicholas, and others, to remain at Rouen till they received the Prince's further orders from Calais. In a few days they heard he had proceeded to Holland, from whence they were promised to receive notice "how "they should dispose of themselves."[3]

The Prince had been called to Holland by a circumstance which naturally tended to raise the hopes of the Royal party. A portion of the fleet had revolted from the service of the Parliament, and went over to Holland, where it was known the Duke of York then was, and whom

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 21.

[2] That day was past before Sir Edward Hyde received the letter.

[3] Upon the receipt of this information they removed from Rouen to Dieppe, that they might the more easily embark for Holland, and also because the road between Rouen and Calais was rendered dangerous to travellers, unless strongly guarded, from the bands of robbers by which it was infested.—Clarendon's 'Hist. of the Rebellion,' vol. vi. pp. 22, 23.

they intended to be their Admiral.[1] The Prince, accompanied by Prince Rupert, Lord Culpepper, and Lord Hopton, proceeded to Helvoetsluys, and, taking command of the fleet in place of his brother, sailed first for Yarmouth Roads, then for the Downs, and afterwards entered the Thames. At the same time a commotion in Kent, in favour of the King, began to give uneasiness to the Parliament. These disturbances soon grew into more important movements. Lord Norwich[2] put himself at the head of the forces in Kent, and Lord Fairfax[3] was appointed to march against them.[4] The Kentish

[1] The Duke of York had recently escaped from the custody of the Earl of Northumberland at St. James's. When the King had formerly appointed the Earl of Northumberland Admiral, it was inserted in his commission "that he should enjoy that office during the minority of the "Duke of York." This determined the seamen to put themselves under the command of the Duke of York, then but fifteen years of age. The Duke made all possible haste to assume his command, went on board the Admiral, appointed his Vice-Admiral and other officers to several ships, and was in haste to be out at sea. The Prince, hearing his brother had gone from the Hague to Helvoetsluys, embarked also in the greatest haste, lest he should be in action before him, and arrived in time: he was received with acclamations by the fleet, of which he immediately took the command, leaving the Duke of York, to his great disappointment, to remain at the Hague.—Clarendon's 'Hist. of the Rebellion,' vol. vi. pp. 33, 35.

[2] Lord Goring had been created Earl of Norwich by Charles in 1644. The Parliament denied, however, the right of the King to create new titles or dispose of offices from the time the Lord-Keeper Littleton fled from Westminster to York, when they declared "that nothing which "should from that time pass under the Great Seal should be good and "valid, but null and void." The Earl of Norwich was always called by the Parliamentary writers by his former title of Lord Goring, and hence great confusion has arisen between the Earl of Norwich and his eldest son, Lord Goring, whose conduct in the West has been already described.

[3] Ferdinand, second Lord Fairfax, having died 1647, his son, Sir Thomas, had succeeded to the title.

[4] Other efforts had been made, and with success, by the Royalists. On the 28th of April Sir Marmaduke Langdale surprised Berwick, and Sir Philip Musgrave possessed himself of Carlisle.

forces had marched as far as Blackheath, but, on Lord Fairfax's advance, they were, after a hard but unsuccessful resistance, obliged to retreat. The Earl of Norwich, with all that remained under his command, crossed the river at Greenwich, and passed over into Essex. There they found many who were ready prepared to have assisted the force which had so openly appeared for the King,[1] and who had actually intended to have passed over into Kent, had they not been prevented by this unexpected arrival of the Earl of Norwich and his troops. Here were met together "the brave Lord Capell,[2] Sir William "Compton, Sir Charles Lucas, Sir George Lisle, all "excellent officers, Sir Bernard Gascoign, and many "other gentlemen and officers of name, who had drawn "together many soldiers."[3] The united forces of Kent and Essex now mustered about "3000 strong of horse "and foot, with officers enough to have formed and "commanded a very good army."[4] It was expected that Lord Fairfax would quickly follow into Essex, and they resolved therefore to take up their quarters in Colchester. On the 12th of June they entered the town, and determined there to await the arrival of the enemy.

[1] Hist. of the Rebellion, vol. vi. p. 61.

[2] Lord Capell held the Prince's commission as Lieutenant-General of the counties of Essex, Norfolk, Suffolk, Huntingdon, and Hertford.—Appendix X.

[3] Hist. of the Rebellion, vol. vi. p. 61. [4] Ibid.

CHAPTER VII.

Lord Fairfax advances to Colchester and assaults the place — He is Repulsed, and lays Siege to the Town — Lord Norwich seizes a Committee of Parliament — The Parliament seize Lord Capell's Son — The latter is liberated — Progress of the Siege — Scarcity of Food — Expulsion of the Women — Mutiny of the Garrison — Lord Norwich treats for Surrender — Terms of Surrender — The Garrison evacuate the Town, and become Prisoners of War.

COLCHESTER was a large and populous place, but not fortified; it was necessary, therefore, that no time should be lost in throwing up such works as should serve to protect the Royalist force from assault: they hoped also to receive assistance from other friends, and more particularly from the Scottish army, before they could be seriously distressed.[1] One night only was afforded to Lord Norwich's troops for rest after their arduous work, for on the following day, the 13th, Lord Fairfax advanced at the head of the Parliamentary forces within a short distance of the walls, and summoned him to surrender. Lord Norwich, with ill-timed jocularity, asked the trumpeter "who brought "the summons how his General did, and bid him tell "his General that he heard he was ill of the gout, but "that *Goring* would cure him of all diseases."[2] The soldiers were naturally irritated by this tone of insulting

[1] Hist. of the Rebellion, vol. vi. p. 62.
[2] Whitelock's 'Memorials,' p. 308.

buffoonery towards their commander, and it much increased the fierceness with which the attack on the town was instantly commenced. Had Lord Norwich been well supplied with ammunition, the precipitancy of this attempt might have been fatal to Fairfax; but those who for a while had saved the town from actual assault by keeping up an incessant fire, having at last expended their powder and ball, were then compelled to abandon their strongholds.[1] A regiment of foot instantly rushed forward, forced an entrance through the gate, and the soldiers were about to abandon its further defence, but were again rallied by the example of their officers and gentlemen. Then appeared in the midst of the battle Lord Capell, "whose height and "strength of body, no less than personal courage, well "fitted him for the encounter,"[2] charging where the enemy was most pressing with pike in hand, and was followed by others, till a passage was effected, the enemy repulsed, and the gates again closed; no bar could be found to render them secure, and a cane of Lord Capell's was used to pin the gates, so as to prevent the re-entrance of the assailants. In the confusion of this violent struggle some of Lord Norwich's own troops were shut out with the enemy, and were immediately made prisoners. A piece of ordnance was next brought to the gate, but, whilst attempting to complete their work, they were received by such a volley from the walls and neighbouring houses as obliged them to

[1] The Crouched Friars, the residence of Sir Harbottle Grimston, and St. Catherine's Hospital.

[2] History of Colchester, vol. i. p. 152.

make a precipitate retreat, and the following day this piece of ordnance was added to the stores within the town. The fight continued for seven or eight hours. The assaults were as fierce as the resistance was vigorous, and it is surprising that the numbers slain were not still greater than they are reported to have been. The number killed on each side is differently stated by the opposite parties, but all agree in making the loss in Fairfax's army considerably greater than in Lord Norwich's.[1] Before their retreat from the town the Parliamentary soldiers exercised a cruel vengeance in setting fire to some houses near the gate; the activity, however, of Lord Norwich's troops succeeded in stopping its course, and thus spared the inhabitants from the horrors of incendiarism, though they were reserved for a fate little less dreadful in the prolonged miseries and privations incident to a close siege of eleven weeks.

The result of the day's work convinced Fairfax that the city was not to be taken by assault; he therefore retreated to Lexden, and commenced operations for cutting off all supplies and reducing the town by famine. His plans were conducted with admirable skill, and forts were erected, sometimes under cover of the night, and sometimes in spite of the cannon by which they were assailed, till a continued line was secured from one redoubt and fort to another. Lord Norwich was no less active in gathering in provisions, and got possession of all the stores collected at Hythe for exportation, and the

[1] Carter says, about 700; their own account, about 100. The Diary of the Siege, published by authority, states Lord Norwich's loss at 80; Carter says, about 40.

greatest exertions were made to repair the walls and strengthen every place that was weakest.

On the 16th of June Fairfax's army was reinforced by the arrival of five regiments from Suffolk, and on the 18th by six companies from Chepstow Castle: no succours came to the besieged; five or six hundred men that had been raised for their assistance were defeated and dispersed by a detachment from Fairfax's forces.

Fairfax's army was now so superior in numbers to Lord Norwich's, as not only to render desperate any chance of success in an engagement, but also materially to interfere with those expeditions of foraging parties by which provisions were gathered from time to time by the besieged. The prospect was most unpromising, and amongst the prisoners at Colchester there were some who anxiously desired to become mediators for peace. A Committee of Parliament were sitting on business at Chelmsford when Lord Norwich passed through that town. The members of this Committee were immediately arrested, and had been conveyed with the army to Colchester. They now naturally dreaded for themselves the consequences of a siege, or the destruction of the town; and they anxiously sought for and obtained leave of Lord Norwich, Lord Capell, and Sir Charles Lucas to address Lord Fairfax in writing on the subject of a treaty. The result was fruitless. Fairfax's conditions were, that all of the rank of common soldiers should have leave to go home, whilst the officers and commanders were to go into voluntary exile, engaging not to return without leave of Parliament. Lord Norwich, Lord Capell, and Sir Charles Lucas declined these

proposals, by which they would at once have excluded themselves from all power of further participation in the cause for which they fought; and they returned for answer, that, as the general peace of the kingdom had been the original cause of their taking up arms, they could not accept of any treaty which did not conduce to that object, and which referred only to the cessation of hostilities between them and Lord Fairfax's army.

Gentlemen were now privately despatched from Colchester, with commissions to raise men in the counties of Norfolk, Suffolk, and Cambridge; but they found the bridges destroyed, and the passes so strictly watched, that, after braving the dangers of passing through the enemy's quarters, they were obliged to return on their steps. All intercourse between Colchester and the rest of the country was interrupted, and those whose daily subsistence depended on the prosperity of trade soon found themselves unemployed and destitute. The manufacturers could neither relieve the wants nor resist the cries of their workmen. Accordingly, a petition from the say and bay makers was presented to Fairfax, praying for liberty to continue their trade with London.[1] This was not allowed; but

[1] "In 1360 the fugitive Netherlanders taught the English to make "sayes, bayes, and other slight stuffs." In the reign of Elizabeth the bay-makers settled chiefly at Colchester and its neighbourhood, in Essex, ever since famous for that useful and profitable manufacture, so much in request in the warmer climates of Europe and America. The bayes, sayes, and other slight woollen goods, are what are usually called the new drapery, as being so much later introduced into England than the old drapery of broadcloth, kerseys, &c.—Macpherson's 'Annals of Commerce,' vol. ii. p. 145. In the reign of Charles II. the Parliament passed

it is much to the credit of Fairfax's humanity that he so far took pity on their distress as to permit the offer being made of "sundry gentlemen of quality and towns-"men of good estates, and eminent in trade, to buy all "the bayes and sayes in the town at the usual prices, "and to pay for them within a fortnight after the town "should be rendered to him;" though he declared it to be "without example to a besieged town, he further "gave leave for these commodities to be brought to a "heath near the town, to be bargained or returned "back as there shall be occasion."[1] A message was sent from Lord Capell, desiring therefore that an agent of the saye and baye makers of the town might come and treat with the General about their free trade, and the manufactures on hand were thus disposed of.

In a spirit that can boast of little generosity did the House of Commons now act towards those enemies with whom, as fellow-countrymen, they were so peculiarly bound to observe every principle established amongst civilized nations to mitigate the horrors of war. Orders were issued to the militia to seize on the eldest son of Lord Capell and on Bishop Wren, that they might be added to those who were to be sent down to Lord Fairfax, and offered in exchange for the Committee detained as pri-

an Act in favour of the Dutch or Flemings at Colchester, who, in Queen Elizabeth's time, brought the manufacture of bayes into England. Henley, the Governor of the Dutch Bay-hall in that town, and the Dutch people belonging to that community, were confirmed in all the privileges and immunities which they had at any preceding time enjoyed; and all bayes in that town were directed to be carried to their Row-hall, to be searched and stamped before they be sold.—Macpherson's 'Annals of Commerce,' vol. ii. p. 492.

[1] Whitelock's 'Memorials,' p. 311.

soners at Colchester.[1] The order was peremptory, and was obeyed. The youth of the one, and the sacred profession of the other, which alike precluded both from bearing arms, secured no exemption from this harsh measure, and a boy of sixteen, with an aged bishop, were seized and sent prisoners to the camp, to be exchanged against men who, if not soldiers, were at least actively employed in the service of the Parliament when captured at Chelmsford.[2] These newly-made prisoners were to be exchanged or used as the Committee of

[1] Appendix Y.

[2] The following extract from a Royalist pamphlet of the day shows that propositions still more barbarous had been proposed and supported, though not carried, in the House, it is to be presumed, as they were never acted upon:—

"*Thursday*, 15*th June*.—Mr. Solicitor reported to the House that Sir "William Massham and the rest of the Committee were carried up and "down in the head of Goring's [Earl of Norwich] army, hardly used, and "threatened to be set in the front of the battle when they came to fight; "and moved that twenty of the King's party should be seized, and sent "to the Generall, to be used in the like manner. But Gourdon moved "that the Lady Capell and her children, and the Lady Norwich, might "be sent to the Generall with the same directions, saying, *Their hus-"bands would be carefull of their safety*; and when divers opposed so "barbarous a motion, and alledged the Lady Capell was great with child "and neer her time, Gourdon pressed it the more eagerly (as if he had "taken the Generall for a man-midwife). He was seconded by Ven, Sir "Henry Mildmay, Thomas Scott, Blackstone, Hill of Haberdasher's Hall, "Purefoy, Miles Corbet, &c. Note that Rushworth (Secretary to the "Generall) reported at the Commons' bar, *The Committee were well used, "and wanted nothing.* And though they have had many fights and "sallies, they did never put any of the Committee in the front; so that "it should seem this is only a fabulous pretence to carry twenty of the "King's party in front before them to facilitate and secure their approach "against the enemy's shot: which is the more credible, because the sense "of the House was *not* to exchange these for the Committee. This is to "cheat the enemy of a town, not to conquer it."—The History of Independency, p. 102. Vol. v. of Pamphlets in the possession of the Earl of Essex.

Essex might be then in restraint with the Lord Goring. Towards the end of June they were offered in exchange for Sir John Masham and the Committee, and by the same messenger a complaint was made, on the affidavit of two deserters, against Lord Norwich and the officers, for having ordered chewed bullets, and bullets rolled in sand, to be delivered out of the stores. This accusation was indignantly repelled by the commanders at Colchester, though they owned the necessity of having recourse to "rough-cast slugs, as being the best they "could send on a sudden."[1] Lord Capell felt deeply the unfair advantage attempted by the enemy in thus obtaining possession of his son, and he is said to have written word in particular to Fairfax, "that it was in- "human to surprise his son, who was not in arms, and "afterwards offer him to insult the affection of a father:

[1] Whitelock's 'Memorials,' p. 113.—History of Colchester, vol. ii. p. 178.

The following letter shows that Lord Capell and Sir Charles Lucas considered themselves not only entitled to return this accusation, but to complain of other ill-usage:—

Arthur Lord Capell and Sir Charles Lucas to Lord Fairfax, complaining of the ill-usage of their men taken prisoners.

"MY LORD,—Wee are informed by divers of our people, both prisoners "and others, that those people of ours ware rudely stript and wounded "after they ware taken yesterday. Wee assure you our usadge to yours "have been farre more civile, as your owne men can justify. Wee desire "to knowe howe you will proceede for the future; and further, wee give "you notice that since our last to you wee have found divers bulletts "which were chawd in our wounded men, and in somme of the prisoners "musketts that ware taken.

"Your servants,

"ARTHUR CAPELL,

"For the Lord Fairfax." "CHARLES LUCAS.

—Ellis's 'Original Letters,' First Series, vol. iii. p. 305. MS. Donat, British Museum, 1519, orig.

" however, he might murder his son if he thought proper " so to do, and he would leave his blood to be avenged as " Heaven should think fit."[1] Lord Norwich's reply was much in the same spirit concerning Lord Capell's son; he returned for answer, " that he conceived it inhuman, " and that, if all the Committee had been offered to " him, he would have disdained the motion; and that " he joyed to see any of his (if no other way, yet by " their suffering) pay the duty they owe to the King " and known laws."[2] In the mean time Lady Capell petitioned the House of Lords for her son. The House of Lords forwarded the petition to the Commons, disclaiming any order for his arrest having proceeded from their House, and desiring therefore that he might be restored to his mother.[3] On the 4th of July[4] it was resolved that a letter should be sent to the General, to return Lord Capell's son, then in his custody. On the 11th of July a pass was sent him to return to his mother, and a letter of thanks was addressed by the Speaker of the House of Lords to Lord Fairfax for releasing Mr. Capell.[5]

The siege proceeded with various success; the constant efforts of the besiegers to complete their work

[1] Vide p. 65 of ' A True Relation of the Siege of Colchester in 1648,' published at Colchester 1799.—This book is nearly a paraphrase of Carter's ' Most Exact and True Relation,' &c., but with some additions, of which Lord Capell's answer is one. The first part of this answer, down to " father," is quoted by the author of ' The History of Colchester,' vol. ii. p. 209.

[2] Whitelock's ' Memorials,' p. 312.

[3] Journals of the House of Lords, vol. x. p. 353.

[4] Ibid., p. 361.—Vide Appendix Z.

[5] Ibid., p. 375.—Appendix Z.

were often impeded by the firing of the besieged from the walls, or from neighbouring dwellings. The house of Sir Harbottle Grimston, having furnished for a time a safe cover to the besieged for this mode of annoyance, was assailed by cannon, and the forces dislodged; the soldiers then deliberately set it on fire as they retired to safer quarters. On the 5th of July an attempt was made to dislodge Lord Norwich from his quarters in the suburbs by setting fire to a tanner's house, so that the flames might spread. The scheme failed, but the result of this and other attempts on that side of the town determined the besieged upon making a resolute sally, which so far proved successful that the loss was trifling on the part of Lord Norwich compared to that incurred by Lord Fairfax.

Lord Norwich had, up to this time, contrived to procure enough of corn and other provisions to maintain his forces. Windmills were burnt down in the night by the enemy, but horse-mills were instantly erected, and the means of grinding corn was thus preserved. The work of the siege still, however, made considerable progress. They had already advanced close upon the town, and had secured the passage of the river. On the 12th of July the Hythe, whence Lord Norwich had drawn his principal stores, fell into the hands of the enemy, and enabled him to get possession of the Abbey of St. John's, the residence of Lord Lucas, a place of some strength and importance. It was gallantly defended by about a hundred men, but was carried by storm on the 13th. The soldiers rushed into the breach their heavy cannonading had effected, and looked for plunder as the fruits

of their victory; the family vault was broken open to seek for the treasure which they had looked for in vain elsewhere. The graves were desecrated, the bodies of Lady Lucas and Lady Killigrew, which time had yet spared, were dismembered and thrown out, and the hair was actually cut off and borne away in the hats of the soldiers as trophies of their revolting triumph.[1] On the 15th of July overtures were addressed to the besieged soldiers by Lord Fairfax. This step was strongly reprobated, as contrary to the usual practice of war; Lord Norwich, Sir Charles Lucas, and Lord Capell threatened Fairfax that, if similar attempts should be repeated, the messenger would be hung up as an example.[2]

By the 20th of July, two sallies having been previously made in vain, the town was reduced to great straits for want of provisions; scarcely any corn was to be found, and of living animals that could be converted into food horses alone remained. One-third of them were slaughtered, part for immediate use, and part to be salted and kept in reserve; and such was the rejoicing of the soldiers at this event, "that a horse was "roasted whole, as a general feast, at the commence-"ment of this new diet."[3] Some few of the soldiers, alarmed at the prospect now before them, deserted, but the rest gallantly resolved to abide yet greater evils,

[1] Carter says, this disgusting scene was described to him and affirmed by an eye-witness.

[2] Whitelock mentions this threat as a scornful answer to Fairfax's summons to surrender, that the shedding of more blood might be spared; but omits that the reason of such an answer being sent was this attempt to treat with the soldiers independent of their commanders.

[3] Vide Diary.

rather than deliver themselves "upon base and dishonourable terms."[1] It is probable that Fairfax would have proceeded ere now to carry the town by storm, had it not been from the fear of consequences to the Parliamentary Committee, and to the officers and soldiers who were prisoners within the walls. Fresh offers were made for the exchange of the Committee, but, with the single exception of Sir John Masham, who was exchanged for Mr. John Ashburnham, the besieged refused to yield on this point.[2]

On the 25th July arrows were shot into the town by the besiegers, with papers addressed to the common soldiers, promising them passes, and quarter, and to go to their homes, if they would deliver up Lord Norwich, Lord Capell, and others of their chiefs.[3] This appeal failed in its intention. On the 26th preparations were begun for bombarding the town, and an attack was made on a mill below the bridge. The mill was set on fire, and the supply of water cut off. The officers within the town determined to show their soldiers that the service of greatest danger was not thrown upon them only to perform. A party of officers and gentlemen sallied forth at the Rye-gate, and fought with such determination as beat the enemy from the mill, and by this resolute repulse the town was saved from further assault that night. Nor was this the only occasion on which this same spirit was shown by the leading officers of Lord Norwich's army. Carter mentions, still later

[1] Vide Carter.
[2] Carter, and Whitelock's 'Memorials,' p. 319.
[3] Whitelock's 'Memorials,' p. 319.

in the siege, "that Lord Capell, marched himself "a-foot, with a halbert on his shoulder at the head of "his company, to be guard that none might make any "scruple of acceptation against it."[1] The besieged had been actively preparing every means of defence against the intended assault. Trenches were dug behind the walls, scythes fitted with long handles were prepared, and pitch and tar were kept boiling all night to throw upon the assailants should they attempt to fulfil their intention.[2]

The knowledge of the preparations, together with the daily news which Fairfax received of the defeat of the Royalists in every quarter from whence Lord Norwich might have hoped for succour, and, above all, the consciousness that famine and disease were working as surely within the walls for his triumph as any efforts of his own from without, determined him again to delay the intended assault. By the end of July even horseflesh had become a luxury; dogs, cats, and every animal that could be procured, were eagerly devoured; hay, corn, and straw, and even thatch from the buildings, the green boughs and leaves, were eaten up by the horses. Desertion, no less than disease, was the inevitable consequence of such destitution;[3] and, by the second week in August, the inhabitants became most clamorous for surrender. Lord

[1] Carter, p. 167.

[2] History of Colchester, p. 213, and Whitelock's 'Memorials,' p. 318.

[3] "Divers soldiers, horse and foot, a lieutenant, a cornet, and an ensign, "came out of the town to the General, and said that many more of their "party waited for an opportunity to do the like, and were weary of eating "horseflesh."—Whitelock's 'Memorials,' p. 321.

Norwich asked leave of General Fairfax, on the 16th of August, to send to Prince Rupert, and offered to surrender if not relieved in twenty days. Fairfax's answer was the repetition of his original conditions. On the 21st the inhabitants renewed their piercing clamour for bread, and Lord Norwich consented to their going forth from the town to throw themselves on the mercy of Lord Fairfax, and to petition for leave to disperse themselves over the country for the preservation of their lives.[1] In answer to this petition, Fairfax offered to the military leaders certain conditions, and amongst the most important was the instant release of the Parliamentary Committee.[2] These terms were not acceded to, and a dreadful scene was enacted soon after outside the town-gates. Five hundred wretched women had quitted the town, hoping to escape from impending starvation, but they were threatened with death and insult from the enemy's camp, and driven back to the gates.[3] Those within were equally unwilling to receive them, for every

[1] Such was the state of distress to which the inhabitants were reduced, that Whitelock mentions that "one of the horse of the Parliament "sentries being killed, many of the town came forth to fetch in the dead "horse; and divers of them were killed, yet got not the horse. The next "day they came again, and ventured their lives to cut off pieces of the "stinking dead horse to satisfy their hunger."—Whitelock's 'Memorials,' p. 326.

[2] Vide Appendix A A.

[3] Whitelock's 'Memorials,' p. 326.—The rigour with which the Parliamentary Generals adhered to this regulation of allowing none to pass the line, is strongly illustrated by a circumstance mentioned by Whitelock:—"A woman with five children (one sucking at her breast) "came out of the town and fell on her knees before the Parliament's "guards, begging leave to pass the line; but they were forced to turn "her back again, lest hundreds more should follow, to the 'prejudice of "the service.'"—P. 325.

claimant for sustenance was regarded as an enemy, and it seemed doubtful whether they would perish by the fire of the enemy or rejection by their friends; but they were at length forced back upon the town to swell the misery of the exhausted inhabitants.

However dreadful such scenes must have been to witness, and even painful to describe, it must be remembered that they are the necessary consequences of war; and that in the present case no charge of inhumanity can be justly laid to the besiegers greater—if as great—as to the besieged; the duty of both parties was to do the best in their power, consistently with the rules and usages of war, to weaken their enemies and save their own soldiers. The duty of Lord Fairfax was manifestly to obtain his triumph with the least amount of suffering to those under his command, and to permit a portion of the inhabitants to escape was to enable the provisions of the town to last longer for the support of the besieged army. Lord Norwich had it in his power, by the compliance with certain conditions, to spare a portion, at least, of the inhabitants from present suffering; but he and his council deemed the terms proposed inconsistent with their honour and chance of ultimate success. The gates, however, should have been more readily opened to admit the re-entry of the women driven back upon those who were bound to protect them to the best of their power, if they could not procure their release.

Arrows were now again shot into the town, with papers affixed to them with such offers as would tend to disunite the soldiers from their officers, but the arrows

were indignantly sent back to the enemy. One of the Essex Committee, who were held prisoners, offered his services to intercede with Fairfax for better terms; and Lord Norwich, Lord Capell, and Sir Charles Lucas sent a letter to Fairfax to the following effect: that, the "officers advising upon his former letter (demanding the persons of all the officers with them "above the quality of captains to render themselves to "mercy), it was unanimously resolved by them not to "yield to the mercy of any other but that of God "alone; that to avoid the effusion of blood, they sent "now the lowest conditions which in honour they can "receive, conceiving the like have never been refused "to any lower reduced than they." Fairfax returned for answer, that, as the terms he had proposed before had been offered when he looked upon their condition as far better than at present, both in relation to themselves within and their expectation of relief from without, it could not be expected of him, now that their posture was worse, that their conditions should be better, and that he was therefore still resolved not to grant such terms as were demanded by them.[1]

The besieged were now almost driven to extremities; their ammunition was nearly exhausted, and one more effort only seemed left within their power by which they might hope to free themselves, or die. On the 23rd of August, Lord Norwich, Lord Capell, Sir Charles Lucas, and the rest of the officers and gentlemen, protesting against all conditions by which their liberty might be infringed or their honour blemished, entered into a solemn engagement not to desert one another

[1] Whitelock's 'Memorials,' p. 328.

nor the soldiery till they should have forced a passage through all that should oppose them, or perish in the attempt. The soldiers joined in the gallant resolution, and preparations were actively commenced for that purpose. They even now courted the long-dreaded assault, that the occasion might be hastened for the final struggle to which they had bound themselves, and resolved at the council of war, on the 25th of August, to send Fairfax word, "That, since he denied to treat "upon any conditions that were honourable, notwith- "standing their actions and demeanours in the service "had been nothing but what became their honour and "fidelity, if he were pleased to make an attempt of "attacking them, he should not need to spring any "mine (as he boasted he had ready), but that any gate "about the town he should make choice of, should "be set open, and his entrance disputed afterwards." Fairfax was unmoved by this challenge; he had long foreseen that, with two such powerful allies as famine and disease, time only was wanting to make his victory sure, and the event fully proved how wisely he judged in adhering to the plans he had adopted, and in disregarding every provocation to attack, by which the lives of his own soldiers would have been unnecessarily endangered.

The last resource was now to be resorted to by the besieged; scaling-ladders were procured, the little ammunition that remained, though not more than would serve for a two hours' engagement, was given out, and the whole force was ordered to be in arms to issue from the town in the dead of the night, and then, storming the lines of the enemy, they were to force their passage

through or fall in the attempt. The officers joined heartily with the soldiers in their work, shared with them the burnt claret and raisins of which they usually partook among themselves, and even allowed such horses to be shot as yet remained to them, lest the soldiers should think the officers to whom they belonged might escape whilst they were engaged.[1]

The siege had now lasted for nearly eleven weeks; the besieged had endured the pangs of hunger, the horrors of thirst, the clamours of discontent, the ravages of disease, the weary anxiety of constant watching, the dangers of frequent encounters, the cowardly desertion of friends, and the disappointment of long hoped-for relief; but there was yet another trial in store for those whose heroic spirit was as unquenched as their loyalty was unshaken. Just before the hour when the projected enterprise was to have been put into execution, a spirit of mutiny began to manifest itself, which at once extinguished the last ray of hope to which their courage and constancy had pointed for deliverance. Suspicions had been insinuated amongst the soldiers of their officers' intentions to break a way through the camp of the besiegers, leaving them at the mercy of a powerful and enraged enemy. Whether these suspicions were, as it is supposed, the work of spies and agents from the enemy, or the result of those fears and doubts of which the ignorant and credulous are so easily susceptible, it is of little matter to inquire. The mutiny was open; they threatened their officers, quitted their posts, and, assembling in crowds, deputed thirty of their number to

[1] The General's and Major-General's horses only were spared.

wait upon the council of war, saying, that if they would not make such conditions for them as they liked, they would article separately, and leave the officers to shift for themselves. Lord Norwich speedily convinced this deputation of the falsehood of their impressions. The tumult was appeased, and the soldiers were, by the exertions of their leaders, again reduced to some degree of obedience; but mutual confidence was destroyed, and it was impossible again to rely on that steady fidelity in their followers which could alone give any hope of success. Lord Norwich had promised that, sooner than "not free the inferior soldiers from suffer-"ing, it was their sincere desire to deliver themselves "up to the enemy, if thereby they could purchase for "them an honourable liberty,"[1] and on this promise they now acted. On the 27th of August a gentleman was sent to treat with Lord Fairfax for conditions. Fairfax would listen to no terms till the Parliamentary Committee was delivered up to him.[2] The Committee

[1] History of Colchester, p. 233.

[2] "*For the Lord Fairfax.*

"MY LORD—Having hitherto acted the duty of soldiers and gentlemen, "we must acknowledge the truth of what is intimated by your Lordship, "that there is a great alteration between our condition and yours since the "first overture of a treaty: wherefore, according to your Lordship's admis-"sion, we have sent Sir William Compton, Sir Abraham Shipman, Colonel "Hammond, Colonel Tuke, and Colonel Ayliffe, to treat and conclude "upon the circumstances necessary for the clearing and orderly perform-"ance of that which your Lordship, by your last, hath offered; we being "resolved to commit ourselves your Lordship's prisoners.

"Your servants,
"NORWICH,
"ARTHUR CAPEL,
"CHARLES LUCAS.

"Colchester, Aug. 27, 1648.

"According to your Lordship's desire, we have sent you the Committee."—Memoir of Sir C. Lucas, by Earl de Grey (privately printed).

was released, and the vanquished had soon reason to feel that, in so steadily refusing their liberty before, they had not over-estimated the loss to themselves of parting with such hostages for mercy from the victors.

After the departure of the Committee, Colonel Tuke and five other officers were commissioned by Lord Norwich, Lord Capell, and Sir Charles Lucas to agree with Fairfax on the terms of surrender. The whole day was consumed in arranging the terms, though little effectual opposition could be offered by the Commissioners from Colchester, then no longer in condition to resist whatever terms were dictated. The terms of surrender were comprehended in nine articles.[1] Certain queries were propounded by the Commissioners of Colchester to the Commissioners of Fairfax as to the meaning of some of these conditions; and it is in the answer to these queries that is contained an explanation of the terms on which the vanquished were forced to surrender themselves into the hands of their victors. By fair quarter it was to be understood "That, with "quarter for their lives, they shall be free from wound-"ing or beating, shall enjoy warm clothes to cover "them and keep them warm, shall be maintained with "victuals fit for prisoners while they shall be kept "prisoners." By rendering to mercy it was to be understood "that they be rendered, or render them-"selves, to the Lord General or whom he shall appoint, "without certain assurance of quarter, so as the Lord "General may be free to put some immediately to the "sword (if he sees cause), although his Excellency

[1] Vide Appendix B B.

" intends chiefly, and for the generality of those under " that condition, to surrender them to the mercy of the " Parliament and General. There hath been large " experience, neither hath his Excellency given cause " to doubt of his civility to such as he shall retain " prisoners; although by their being rendered to mercy " he stands not engaged thereby."[1]

The following day (28th of August) Lord Norwich and those under his command, including all the officers, surrendered themselves prisoners, in number about 3530;[2] and at that time, says one who was an actor in these scenes, " We had lived six weeks upon horseflesh, " three days without bread, and remaining (as the chief " officer of the stores told me) but three barrels of " powder in store."[3]

[1] Journals of the House of Lords, vol. x. p. 478.

[2] Ibid.

[3] 'A True and Perfect Relation of the Condition of those Noblemen and Gentlemen in Colchester.' Scarce pamphlet, printed in 1648.

CHAPTER VIII.

Lord Fairfax enters Colchester — Sir Charles Lucas and Sir George Lisle are sentenced to death and shot — Lord Norwich and Lord Capell are promised fair quarter, and are removed as Prisoners to Windsor Castle — Measures are taken for attainting Lord Norwich and impeaching Lord Capell — Proceedings in Parliament against Lord Capell — The King's Trial and Execution — Lord Capell's Letter to Cromwell — A High Court of Justice is appointed for the Trial of Lord Capell and others — He escapes from the Tower, but is recaptured — His Trial is commenced — Evidence of Fairfax.

ON the day of surrender Lord Fairfax entered Colchester in triumph, and, on viewing the weakness of their defences, seemed surprised at the time it had held out against so strong a force.[1] A council of war was called, and an officer was despatched for Sir Charles Lucas,[2] Sir George Lisle,[3] and Sir Barnard Gascoyne.[4] They understood at once the purport of this summons, and took a solemn and affectionate leave of their companions. They were strongly guarded and locked up in an apartment of the Hall,[5] where the council of war was sitting to deliberate on their fate. It is believed that many in the council were disinclined to pursue harsh or sanguinary measures, but that Ireton prevailed

[1] Letters from Colchester, says Whitelock, describe that, when Colonel Rainsborough's regiment and another entered the town after the articles were signed, "they saw a sad sight of so many fair houses burnt, and so "many inhabitants sick and weak with living upon horses and dogs."— Whitelock, 'Memorials,' p. 328.

[2] Sir Charles Lucas was brother to John first Lord Lucas.

[3] Sir George Lisle, son of Cave Lisle, of Compton Darvill, co. Somerset. He was knighted by Charles I., after the battle of Newbury.

[4] Sir Barnard Gascoyne was a Florentine gentleman.

[5] Moot Hall.

with Fairfax to treat them with ungenerous severity.[1] It is said that one Whalley, who was no friend to any of the prisoners, and who was even at private variance with Sir George Lisle, interfered on behalf of him and the others, and endeavoured to dissuade Fairfax from the execution of his purpose. The result, however, of the deliberation was sentence of death against Sir Charles Lucas, Sir George Lisle, and Sir Barnard Gascoyne. No specific accusations were alleged, no opportunity of defence was allowed; but they were informed that, "after so long and so obstinate a defence "until they found it necessary to deliver themselves up "to mercy, it was necessary for the example of others, "and that the peace of the kingdom might be no more "disturbed in that manner, that some military justice "should be executed; and therefore that council had "determined they three should be presently shot to "death."[2] A messenger from Sir Charles Lucas to request the attendance of Lord Capell's chaplain at once bespoke their situation to those friends who had been awaiting in the agonies of suspense the result of the council's deliberation. Lord Capell prevailed on an officer instantly to carry a letter to the council, signed by the chief persons and officers, and in the name of the rest, to Lord Fairfax, "either to forbear "the execution of the sentence, or that they might

[1] "The manner of taking the lives of these worthy men was new and "without example, and concluded by most men to be very barbarous; "and was generally imputed to Ireton, who swayed the General, and was "upon all occasions of an unmerciful and bloody nature."—Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 102.

[2] Ibid., p. 99.

"all, who were equally guilty with those three, undergo "the same sentence with them." The letter was delivered, "but had no other effect than the sending to "the officer to despatch his order."[1] Ireton was sent to Sir Charles Lucas and Sir George Lisle, to inform them that the hour of death was at hand. They demanded of him by what law they were to die? whether by an ordinance of Parliament, by the council of war, or by command of the General? To which Ireton replied that it was by vote of the council of war, according to an order of Parliament, by which order all that were found in arms were to be proceeded against as traitors.[2] These were not the reasons, however, alleged by Fairfax himself. His own letter to the Earl of Manchester best explains the motives by which he and his council had been guided in their decision; and by that he seems rather apprehensive of having exceeded the power of his commission, than confident of having only strictly adhered to the orders of Parliament.[3] The

[1] Clarendon's Hist. of the Rebellion, vol. vi. p. 100.

[2] Hist. of Colchester, p. 247.

[3] *Letter of Lord Fairfax to the Earl of Manchester, &c.*

"My Lord,—I have herewith sent you the articles, with the explana-
"tions annexed, upon wch it hath pleased God in his best time to
"deliver the town of Colchester and the enemy therein into your hands
"without further bloodshed, saving that (for some satisfaction to military
"justice, and in part of avenge for the innocent blood they have caused
"to be spilt, and the trouble, damage, and mischiefe they have brought
"upon the towne, this country, and the kingdom) I have, with the advice
"of a counsell of warre of the chiefe officers both of the country forces
"and the army, caused two of them who were rendred at mercy to be
"shot to death before any of them had quarter assured them. The per-
"sons pitched upon for this example were Sir Charles Lucas and Sir
"George Lisle, in whose military execution I hope your Lordship will
"not find cause to thinke your honour or justice prejudiced. As for the

prisoners petitioned that their lives might be spared till the following day, in order that they might have leisure for their religious duties, but this short respite was denied them. Sir Charles Lucas[1] was the first who fell, Sir George Lisle[2] followed immediately afterwards; Sir Barnard Gascoyne was spared on the ground of his being a foreigner.[3] A few days afterwards Ireton, with two

" Lord Goring, Lord Capell, and the rest of the persons rendred to mercy, " and now assured of quarter, of whose names I have sent your Lordships " a particular list, I doe hereby render to the Parliament's judgement for " further publique justice and mercy to be used as you shall see cause. " I desire God may have the glory of his multiplied mercies towards you " and the kingdome in this kinde, and in the condition of instruments as " to the service here, the officers and souldiers of Essex and Suffolk (who " in this time of so dangerous defection have adhered constant to yours " and the kingdome's interest); for their faithfull demeasnour and patient " indurance in the hardships of this service are not to be forgotten.

" Your Lordship's most humble servant,

" Hieth, 29th August, 1648." " FAIRFAX.

—Lords' Journals, vol. x. p. 477.

[1] Sir Charles Lucas had served in the Low Countries under the Prince of Orange, but had little conversation in that Court, where great civility was practised and learned. He was very brave in his person, and in a day of battle a gallant man to look upon and follow; but at all other times and places of a nature scarce to be lived with; of no good understanding, of a rough and proud humour, and very morose conversation; yet they all desired to accompany him in his death.—*Clarendon.*

[2] Sir George Lisle had had the same education as Sir Charles Lucas; had all his courage; " and led his men to a battle with an alacrity, that " no man was ever better followed, his soldiers never forsaking him. . . . " But then to this fierceness of courage he had the softest and most gentle " nature imaginable; was kind to all, and beloved of all, and without a " capacity to have an enemy."—*Clarendon.*

[3] Sir Barnard Gascoyne spoke so little English, that he with difficulty explained his wish for writing materials to address " a letter to his Prince " the great Duke, that his Highness might know in what manner he lost " his life, to the end his heirs might possess his estate." The officer acquainting the General and the council with his request, they took the matter of his being a foreigner into consideration. After some deliberation, the fear of retaliation on their relations and friends who should visit

other officers commissioned by the council, announced to Lord Norwich, Lord Capell, and the other prisoners that the General now gave them the assurance of what

Italy operated in his favour, and they determined to spare his life. When Sir Charles Lucas and Sir George Lisle had fallen, Sir Barnard Gascoyne took off his doubtlet and "expected the next turn;" but "the officer told "him 'he had orders to carry him back to his friends,' which at that "time was very indifferent to him."—Hist. of the Rebellion, vol. vi. pp. 99, 100. Sir Charles Lucas and Sir George Lisle were buried in St. Giles's church, Colchester. Upon a black stone in the aisle is the following inscription:—

"Vnder This Marble Ly The Bodies
Of The Two Most Valiant Captains,
Sr Charles Lucas And Sr Geo. Lisle, Knts.,
Who, For Their Eminent Loyalty
To Their Soverain,
Were On The 28th Day of August, 1648,
By The Command Of Sr Tho. Fairfax,
Then General Of The Parliamentary Army,
In Cold Blood Barbarovsly murdered."

—*Hist. of Colchester.* Whitelock (p. 329) says that both Sir Charles Lucas and Sir George Lisle "died with very much courage." The following verses from Quarles, the loyalist poet, quaintly express his sympathy and admiration for Sir Charles Lucas:—

"*Reader*, as often as *report* shall send
Unto thy *ears* the death of any *friend*,
Wonder not that he's *dead*, that's too much wrong,
But rather wonder that he liv'd so long:
For *Life's* but like a *Candle*, every *wind*
May puff it out, and leave a *snuff* behind.
But whither runs my *pen*? Does sorrow mean
To make of this an *everlasting scean*?
Lucas made *Sorrow* lovely, *Death* a pleasure,
And *Life* a trifle, *Misery* a treasure;
And now let no audatious tongue deny
That he taught *Death* to live, and *Life* to dye.
Now *gentle Soul*, go take thy sweet repose,
In *Heav'n's* eternal *bed*, where none but *those*
Shall sleep that in their *life-times* study'd how
To dye: there rest (*dear Soul*); I'le leave thee now."

—Quarles's 'Fons Lachrymarum,' p. 122, ed. 1648; and see App. C C.

before was doubtful—*fair quarter* as prisoners of war. Lord Capell, burning with indignation at the sacrifice of his friends, said, "The General should have received "their thanks if he had saved the lives of those two "worthy knights, which they had valued more than "their own; that, as they all were equally concerned "and acted alike in the engagement and management "of the whole affair, they all should have shared one "fate; and that therefore the General would do well to "finish his work by executing the rest."[1] This answer renewed the bitter animosities of Ireton; sharp expressions passed between them, which Lord Clarendon does not hesitate to say cost Lord Capell his life in a few months after.[2]

The conduct of Fairfax and his council in the execution of Sir Charles Lucas and Sir George Lisle is certainly to be so far justified that it involved no infringement of the terms of surrender. The General announced his intention of putting some immediately to the sword, *if he saw cause*; and if he had added Lord Norwich, Lord Capell, and others to the victims who were offered "for some satisfaction to "military justice, and in part of avenge,[3] &c.," he would have done no more than use the right which he claimed and acquired by force of arms, and to which his enemies had advisedly, though unavoidably, acceded and submitted. That it would have been politic

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 103; History of Colchester, vol. ii. p. 259.

[2] 'Hist. of the Rebellion,' vol. vi. p. 103.

[3] Vide Fairfax's Letter to Lord Manchester, above, p. 90, n. 3.

to make, and still more to enforce, such terms, had the state of the war afforded any likelihood of retaliation, must, to say the least, have been doubtful.[1] The example might then have served rather as a precedent than as a warning to their enemies. That it was harsh to take advantage of their helpless position to inflict conditions framed in a spirit better fitted to ruder times is much less a subject for doubt; nor can it be denied that it was ungenerous, not to say ungrateful, in the present case, thus to exercise the rights that victory had given them. For eleven weeks the Committee of Parliament had remained in the power of the besieged, their condition as prisoners depended on their captors, measures were resorted to for procuring their deliverance or exchange which exceeded the usages of civilized war, and might have provoked ill treatment; when famine, disease, and mutiny forced the surrender of the town, the lives of those prisoners were still at the mercy of their enemies, and might have been used as the last means of stipulating for their own safety. But what had been the conduct pursued towards them? They had been lodged from the first in the best inn of the town, civility was shown them throughout their captivity, their table was furnished with delicacies so long as such could be procured, and with sufficiency whilst others were starving. Shot from the besiegers having touched the top of the house where they were confined, notice was sent to Lord Fairfax of the circumstance, that

[1] In sparing the life of Sir Barnard Gascoyne, it would seem the danger of retaliation was wisely not overlooked.

he might be warned not to fire in that direction;[1] and when at last these prisoners were imperatively demanded by the victorious party, they were returned in safety; though, doubtless, had the lives of a Parliamentary Committee been threatened, and had been actually in danger of being sacrificed to the immediate vengeance of a desperate enemy, rather than incur such a risk, satisfaction to military justice would have been less severe in its demands.

Whitelock mentions, in the early part of the siege, that the prisoners were found by a messenger of the General's to be "in a reasonable good condition."[2] It has been seen, on more than one occasion, they volunteered their services to intercede for better terms for the besieged with their own friends; and in proof that they had no complaints to make of the treatment they had experienced, not a word was alleged against their usage in justification of the severity of Fairfax and his council towards Sir Charles Lucas and Sir George Lisle, or afterwards for the breach of faith committed in the execution of Lord Capell.

On the 31st of August the House of Lords ordered the removal of the prisoners, Lord Norwich, Lord Capell, and others, to Windsor Castle,[3] and on the 3rd of September they marched from Colchester to Windsor with the General's regiment.[4]

[1] Carter mentioned this circumstance in refutation of an unjust aspersion that had been made upon them by a report that the prisoners were placed upon the line because they should be killed.

[2] Whitelock's 'Memorials,' p. 308.

[3] Appendix D D. Journals of the House of Lords, vol. x. p. 481.

[4] Rushworth's 'Collections,' vol. vii. p. 1250.

On the 31st of August a resolution passed in the House of Commons that Lord Norwich should be attainted, and Lord Capell should be impeached of high treason, for levying actual war against the Parliament and kingdom.[1] On the 25th of September it was ordered that the bill of attainder against Lord Norwich and the articles of impeachment against Lord Capell should be brought in.[2]

On the 5th of October letters were received by the House of Commons from Lord Norwich and Lord Capell, taking notice of this order, and explaining that quarter was given them by the General, who had himself written to the Speaker of the House of Lords to that purport.[3] On the 10th a letter, addressed to Lord Fairfax, was read in the House, agreed to, and signed by the Speaker, desiring that he might explain himself as to the clause in his letter to Lord Manchester of the 29th of August.[4] On the 23rd of October Lord Fairfax explained his former letter, stating that "the "quarter given to Lord Norwich and Lord Capell did "not extend to any other than the military power, and "that they were, notwithstanding, liable to trial and "judgment of the civil power."[5] This explanation was consistent with the statement in his letter to Lord Manchester, that the persons who were assured of quarter were rendered to the Parliament's "judgment for fur-"ther public justice and mercy;" nor is there any

[1] Appendix E E. Journals of the House of Commons, vol. v. p. 695.
[2] Ibid., vol. vi. p. 32.
[3] Commons' Journals, vol. vi. p. 45. Whitelock's 'Memorials,' p. 336.
[4] Whitelock's 'Memorials,' p. 48. [5] Ibid., p. 339.

reason to doubt that the House of Commons then regarded the lives of the prisoners assured on those terms.

On the 24th of October Lord Capell was removed by order of Parliament from Windsor Castle to the Tower.[1] On the 10th of November a resolution was passed in the House of Commons that Lord Norwich, Lord Capell, and five other persons,[2] should be banished out of the kingdom. The Lords' concurrence was desired in this resolution, but they judged it improper for the House of Commons to decide on the banishment of any members of their House, and on the 13th of November resolved themselves to bring in an ordinance for the banishment of the three Peers. On the following day it was brought in and agreed to, and a conference desired with the Commons.[3] The Lords then stated "that they could not but be very tender of their "privileges; that three of those persons voted to be "banished were members of their House, and the cen-"sure of them began in this House (meaning the Com-"mons).[4] They did therefore deliver at this conference "an ordinance for banishing of those three Lords, the "Earl of Holland, the Lord Goring, and the Lord "Capell, and did agree to the votes for the banishment

[1] Lords' Journals, vol. x. p. 559. Lord Norwich was not removed from Windsor to the Tower till the 13th of November.—Ibid., p. 587.

[2] The Earl of Holland, Lord Loughborough, Major-General Langhorne, Sir Henry Lingen, and Sir John Owen.—Whitelock's 'Memorials,' p. 343, and Journals of the House of Commons, vol. vi. p. 73.

[3] Journals of the House of Lords, vol. x. pp. 57, 58. Lord Lincoln entered his protest against the ordinance for banishing three Peers and four Commoners.—Ibid.

[4] Journals of the House of Commons, vol. vi. p. 77.

" of the Commoners." This ordinance was read and rejected by the House of Commons, and an ordinance of their own " was ordered to be prepared for banishing " of the Lords and Commoners that were voted by " their House to be banished."[1] This was accordingly done, and on the 16th of November it was read the first and second time in the House of Commons. It was also resolved to demand a conference with the Lords, to signify to them that it was not intended by the bringing up of those votes to infringe their privileges, " it being " not in the nature of any impeachment or present " judgment of those persons, but that the banishment of " those seven persons might be part of the answer to " the proposition concerning delinquents," to make it " a " preparatory to a proposition to the King;" and they again desired their concurrence, as they conceived their Lordships might do it without any breach of their privilege.[2] On the 18th of November it was put to the question in the House of Lords, whether to go on then " with the votes which came from the Commons for " banishing seven persons." It was resolved in the affirmative, and they passed a resolution for the banishment of the three Peers and four Commoners.[3] On the 30th of November a debate took place in the Lords as to whether the votes that had passed there touching the banishment of the three Lords should be signified to the House of Commons. It was resolved in the affirmative,

[1] Journals of the House of Commons, vol. vi. p. 77.

[2] Journals of the House of Lords, vol. x. p. 594; and Journals of the House of Commons, vol. vi. p. 78.

[3] Journals of the House of Lords, vol. x. p. 596.

and a message was accordingly sent the same day to acquaint the Commons that the Lords had agreed to the votes for banishing the three Lords,[1] and that it was resolved "that the Earl of Holland, the Lord Nor-"wich, and the Lord Capell shall depart this kingdom "of England within ten days next after the date hereof; "and that if the said Lords, or any of them, shall "return back without leave of both Houses, they shall "be proceeded against as traitors and die without "mercy."[2] The concurrence of the House of Commons to this resolution was desired. Of that concurrence there is no entry in the Journals, and it was probably never given; had it been obtained, the banished Lords would have left the kingdom a few days before a resolution passed in the Commons, which, by reversing this sentence, subjected them in the end to a still more severe and more arbitrary tribunal than that of the Parliament. On the 13th of December a series of resolutions was passed to revoke their former votes on different subjects,[3] and, amongst others, "that the votes "passed on the 10th of November concerning the "banishment of the three Peers and four Commoners "were destructive to the peace and quiet of the "kingdom and derogatory to the justice of the king-"dom."[4]

The course of events throughout the country had been long, but slowly, tending to some great national

[1] Lord Hunsdon and Lord Mulgrave protested against informing the House of Commons.—Journals of the House of Lords, vol. x. p. 613.

[2] Ibid. [3] Appendix F F.

[4] Commons' Journals, vol. vi. p. 96.

catastrophe. This course now hurried on with that increased rapidity which marks the nearer approach of its impending destiny. The fatal conclusion of the civil war was at hand; the voice of the Lords was overpowered by the clamour of the Commons and the despotic will of the army; and on the 4th of January, 1648-9, "an ordinance, entitled 'for trial of Charles "Stuart by a Court Martial,' was assented to and ordered "to be engrossed and brought in on the morrow."[1]

On the 2nd of January the Commons had sent up their ordinance for the trial of the King.[2] The Lords rejected it and adjourned their House.[3] The Commons sent some of their own members to examine the Lords' Journals, and, finding they had not concurred in the

[1] Whitelock's 'Memorials,' p. 361.

[2] "Resolved, That the —— and Commons in Parliament assembled do "declare and adjudge that, by the fundamental laws of this kingdom, it "is treason in the King of England for the time being to levy war against "the Parliament and kingdom of England."—Commons' Journals, vol. vi. p. 107.

[3] The vote declaring "that, 'by the fundamental laws of the kingdom, "it is treason in the King of England for the time being to levy war "against the Parliament and kingdom of England,' was read the third "time.

"And the question being put, 'Whether to put off the consideration of "this vote till some other time?'—

"It was resolved in the negative.

"Then the said vote was read again.

"And the question being put, 'Whether to agree to this vote now "read?'—

"It was resolved in the negative, *nemine contradicente*.

"Then the ordinance for erecting a High Court of Justice for the trial "of the King was read the first time.

"And the question being put, 'Whether this ordinance now read shall "be cast out?'—

"It was resolved in the affirmative, *nemine contradicente*."—Lords' Journals, vol. x. p. 642.

declaration, they voted the concurrence of the Lords unnecessary, and that they were empowered to act "notwithstanding the House of Peers join not with "them."[1] A High Court of Justice was appointed to sit at Westminster, consisting of 135[2] Commissioners. On the 13th of January they sat for preliminary business. On the 18th the King was brought from Windsor to St. James's. On the 20th he was brought into the Court at Westminster to appear at his trial. On the 27th sentence of death was passed. On the 30th the King paid the forfeit of his great errors and many misfortunes with the courage and constancy of a martyr, leaving on those who shed his blood a spot which neither triumph nor success could wash out, and preparing for the country a reaction as dangerous to freedom as such a trial and execution was revolting to those laws of humanity and principles of justice by which a Christian community and a constitutional government profess to be guided.[3]

Lord Capell, though confined in the Tower, seems to have been conscious of the King's perilous condition. He was debarred from all power of serving his Master any longer by sword or by speech, but he had still the use of his pen. He declared it to be "an instrument "not suitable to his genius;" yet it was the only one he could now command. He fully understood and

[1] Whitelock's 'Memorials,' p. 361. The votes of the House of Commons on this occasion are not entered in the Journals, but Whitelock has recorded their proceedings.—See Appendix G G.

[2] Whitelock says, "150 persons, and twenty of them of the quorum, to "try the King, and to give sentence against him."—p. 360.

[3] For further discussion on this subject, see Appendix H H.

140796

appreciated the power of Cromwell; but, regardless of all possible consequences to himself, it was to Cromwell he addressed a letter[1] on those subjects nearest his heart, the safety of the King and the welfare of the country.

The letter (dated the 15th of January) began by boldly avowing his own devoted attachment to the King, saying, "I frankly give you leave to think (nor do I value "the inconvenience it could draw along with it) that "there is not that *honest* expedient in the world to "serve him by that I would not hazard myself in to "employ for him; nor do I know what earthly felicity "it is could be so welcome to me as to advance a step "beyond any other in my duty toward him. But my "present condition refuseth me the ability of anything "else but that of invocating the favour of God for him, "and making my addresses to you, whom I take to be "the figure that gives the denomination to the sequence "of a great many ciphers that follow you." Lord Capell then pressed upon his consideration the power now in his hands of uniting the King to his people, as he had been

[1] Vide Appendix I I. This letter, with others by Lord Capell to "divers persons," was published with his 'Moral and Divine Reflections,' but without the names of those to whom they were addressed. Lord Orford, however, states, in his account of Lord Capell's writings (Lord Orford's Works, vol. i. p. 360, edit. London, 1798), the manner in which those names were supplied:—"Mr. Lort, of Trinity College, Cambridge, "has a copy of this book, given by the Duchess-dowager of Beaufort "(Lord Capell's daughter) to Francis Lowthorpe in 1710, in which the "names are marked of the persons to whom they are addressed." This book, in which the names of Francis Lowthorpe, M. Lort, and A. Swinton, 1791, are separately inscribed, having afterwards come into the possession of Robert Clutterbuck, Esq., was presented by him to the late Earl of Essex.

instrumental in their long separation, and suggested that he might have cause to value himself upon a better foundation than the event of battles and success of war. He combated the idea, then so prevalent, that the instruments of divine punishment were necessarily the objects of divine favour, by reminding him how loathsome insects, reptiles, and other creatures have been used to desolate empires. He warned him of the danger of attempting a new form of government, when the very desires of the people were assimilated into the nature of the laws, of a change that should demolish all the received rules of property, and of mistaking the temporary power of the army for the sense of the people. On the sacrilege of touching the King's person he urged every argument that texts from scripture, and a deep conviction of the sanctity of the office, with enthusiastic attachment to his sovereign, could suggest. He represented the wisdom as well as duty that rested upon Cromwell and the soberest of his party "to take this "opportunity of the present anguish of the King and "kingdom to restore it to its former habit of quiet and "peace." His letter ends with this earnest appeal: "I "would to God my life could be a sacrifice to preserve "his! Could you make it an expedient to serve that "end, truly I would pay you more thanks for it than "you will allow yourself for all your other merits from "those you have most obliged, and die your most "affectionate friend."[1]

[1] Lord Orford has so strangely misapprehended the meaning of Lord Capell's termination to this letter, as to have made the following comment:—"It is remarkable that the spirited remonstrance in behalf of

This loyal wish, that his life might be given to preserve the King's, was of no avail; but the expression of that wish may have much contributed towards the sacrifice of his own.

The death of the King was the prelude to other acts of judicial severity. On the 1st of February the House of Commons resolved on erecting another High Court of Justice for the trial of the Duke of Hamilton,[1] Lord Holland, Lord Norwich,[2] Lord Capell, and Sir John Owen. This Court was to be composed of "divers "members of Parliament, of the army, of the city, and "private gentlemen, in all to the number of sixty, "whereof fifteen to be of the quorum."[3] Bradshaw was to be the Lord President, as at the trial of the late King, and the prisoners could certainly have entertained but little hope of acquittal from a Court erected in the same spirit and presided over by the same judge as that which had a few days before condemned their sovereign to death. It should be observed, moreover, that the erection of this Court was far from receiving the sanction of even some of the sternest leaders of the Parliamentary party. Lord Fairfax expressed himself to have been "always unsatisfied with these Courts," and Mrs. Hutchinson thus describes her husband's feelings on the subject:—"Of this second High Court of Justice Co-

"the King was written to Oliver Cromwell, and is subscribed, 'Your most "affectionate friend!'"—Vide 1st vol. of Lord Orford's Works, 4to. This passage, together with an account of the hands through which the volume of Lord Capell's 'Meditations and Letters' passed, is omitted in the later edition of Lord Orford's 'Royal and Noble Authors,' edited by Thomas Park, F.S.A., London, 1806.

[1] Tried by his English title, Earl of Cambridge.

[2] Tried by his previous title of Goring. [3] Whitelock, p. 371.

"lonel Hutchinson was nominated a Commissioner; he "would not sit, his unbloody nature desiring to spare "the rest of the delinquents, after the highest had "suffered, and not delighting in the death of men, when "they could live without cruelty to better men."[1]

There were many who, like Lord Capell, had fought with unflinching fidelity and courage in the cause of their sovereign, and who honestly deemed themselves loyally struggling against the treason of rebels; but the Court by which the King had been tried and condemned had decreed every act even of self-defence on the part of the King himself to be treason against the nation; to be found, therefore, in his ranks was to participate in his crime. But the cause in which they were engaged did not affect the plea of those who as prisoners of war had received the assurance of fair quarter for their lives.[2] Lord Capell accordingly disputed not the power of the Court by which he was to be tried to determine on which side the crime of treason might lie, but the right of that Court to set aside such terms as were granted in the field to a prisoner of war, and he resolved on making a desperate effort to elude a tribunal whose right of judgment on such a point he denied. It was on the evening of the 2nd of February that Lord Capell, having been supplied by the hand of some friend with a cord and other things necessary to his escape from prison, let himself down out of his room in the Tower to the ditch below. He had been directed through what part

[1] Mem. of Colonel Hutchinson, p. 339, Bohn's ed.

[2] On the grounds of accusation against the other Lords, and the different pleas offered in their defence, it is not necessary here to enter.

of the ditch he would find a passage most practicable; but either he mistook the place to which he was directed, or the water and mud were deeper than his informant had expected, and the attempt proved nearly fatal; indeed, he must at once have perished but for his unusual height, being, as Lord Clarendon says, "by "the head taller than other men." The water was up to his chin, and he became so exhausted by the fatigue of drawing himself out of the mud and wading through the water, that he was at one moment inclined to give up the attempt, and by calling for assistance to surrender himself again as a prisoner; but his courage revived with the progress he had already made, and he persevered, and at last reached the other side in safety, where his friends expected him, and he was conveyed by them to a chamber in the Temple. He there remained for that and the following night in security, though the utmost diligence was used for his discovery. A person[1] in whose judgment and fidelity he placed sufficient confidence to be guided by his opinion thought that the Temple was a place of too much resort for safety, and that he would be better concealed by removing to a lodging in a private house in Lambeth Marsh.

In the evening, after dark, his friend called for him, and, fearful of trusting any one with the secret, they determined on taking the first boat they found ready at the Temple Stairs. It was so late that but one remained, and in that they placed themselves. Lord

[1] The name of this friend does not transpire in Lord Clarendon's History, but he speaks of him as one whom Lord Capell "trusted much, and "who deserved to be trusted."—'Hist. of the Rebellion,' vol. vi. p. 259.

Capell was as much disguised as they had thought necessary for safety, and the waterman was desired to row them to Lambeth. Whether his friend inadvertently called him *My Lord*, as was confidently reported, or whether the waterman's suspicion was aroused by observing what he thought was a disguise, is uncertain, but the man heard or saw enough to determine him to follow his passengers on landing, for the purpose of watching into which house they entered; then going to an officer, asked him "what he would give him to bring "him to the place where the Lord Capell lay." The officer promised to give him ten pounds.[1] The waterman fulfilled his promise; Lord Capell was discovered and seized, and the next day returned a prisoner to the Tower. Thus unhappily ended this well-contrived plan of escape, though faithfully carried out by all who were confided in for its accomplishment, and courageously executed by the prisoner himself. Had it but succeeded, Lord Capell would have spared the new High Court of Justice from the performance of an act which had neither law nor usage to offer in vindication of its severity.

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 260.

In the Journals of the House of Commons, vol. vi. p. 131, the Committee of Revenue is required forthwith to pay 40*l.* to those persons that took Lord Capell, as Colonel Harrison shall think fit. Whitelock says (p. 371),—"Two watermen of London discovered and apprehended the "Lord Capell. The House gave 40*l.* to the watermen." But in the State Paper Office there is the following entry:—"That 20*l.* be payed unto the "waterman who discovered the Lord Capell, and that he be recommended "unto the Committee of the Admiralty for some employment."—State Paper Office, Council of State Order-book, vol. xxxii. p. 226. Vide Appendix J J.

On the 10th of February the High Court of Justice met in Westminster Hall. Fifty members were present.[1] The Earl of Cambridge, Lord Norwich, Lord Capell, and Sir John Owen were brought before them, and the President addressed them in a speech on the occasion of their being there. The charges were then read to

1st. Earl of Cambridge.
2nd. Lord Norwich, addressed as Lord Goring.
3rd. Lord Capell.[2]

Lord Capell pleaded "that he was a prisoner to the "Lord General, and had conditions given him, and his "life promised him; that if all the magistrates in Chris-"tendom were combined together, they could not call "him in question." Whitelock adds, "He never "minded nor looked upon the Court, but upon the "people on all sides and with an austere countenance."[3]

February 11th Lord Capell was brought into Court and demanded to plead in chief to his charge. He again insisted upon the articles of Colchester, whereby he said "he had fair quarter given him, and that all "the governments in the world had nothing to do with "him."[4] On February 13th the High Court of Justice sat, and Lord Capell was again brought into Court. The Attorney-General now moved "that the prisoner

[1] See Appendix K K, List of Judges of High Court.

[2] It is principally from Whitelock's 'Memorials' that an account of Lord Capell's trial has been handed down. In the 'State Trials,' compiled by Mr. Howell, the trial of Lord Capell is an abstract from Whitelock's account.

[3] Whitelock, p. 375. [4] Ibid.

"might make good his plea." The President told Lord Capell "that he had put in a plea concerning "articles, for proof whereof the Lord General was by "order of the Court then present; that he had liberty "to ask anything of him; if not, then the Counsel of "the Commonwealth were to offer what they could in "proof of it."[1] The Attorney-General proceeded and produced the General's letter to the Parliament upon the surrender of Colchester, with the articles and the explanation of them, "whereby and upon the testimony "of the Lord General, and General Ireton, Colonel "Whaley, and Colonel Berksted, all present by order of "the Court, it appeared that the Lord Capell was to "have fair quarter for his life, which was explained to "be, a freedom from any execution of the sword, but "not any protection from the judicial proceedings of a "Civil Court; and mercy was explained to be only "from the promiscuous execution of the sword, but that "he might be *tried* by a Council of War." "But of "this learning," says Whitelock, "I hope none of "this nation will have use hereafter."[2] "It was clearly "proved," he adds, "that the articles were only to "free him from the present dower of the sword to take "away his life, and Colonel Berksted swore that he told "him the day after the articles 'that he believed the "Parliament would proceed against them that were "taken at Colchester as traitors.' The Counsel moved "for judgment against the Lord Capell that he should "be hung, drawn, and quartered, at which he seemed "to startle; and, after a short speech to the Court, he

[1] Whitelock, p. 375. [2] Ibid.

" concluded ' that, however he was dealt with here, he " hoped for a better resurrection hereafter.' "[1]

By the definition of fair quarter for life, and surrendering to mercy, which General Fairfax here gave, he in no way departed from the original interpretation of these conditions. Sir Charles Lucas and Sir George Lisle, who surrendered to mercy, had been exempted from the promiscuous execution of the sword, and had been tried and condemned to death by a Council of War; and till after the promises of fair quarter had been given to Lord Capell, Lord Norwich, and others, they were undoubtedly liable to the same fate. Whatever meaning might be attached by others to Lord Fairfax's words, his own interpretation of fair quarter appears to have always been the same. It was by his own avowal a stretch of power he had assumed beyond that of the Council of War at Colchester, in not setting free the other prisoners after the sentence of death had been passed on Sir Charles Lucas and Sir George Lisle; but certainly it was not consistent with Fairfax's general character to have wished to stretch that power so much further as to afterwards give a forced construction of the terms, and thus voluntarily endanger the lives of those who believed themselves safe by his promises from capital punishment.[2] Lord Clarendon's account of Fairfax's testimony is not borne out by the more definite and detailed report given by Whitelock. Lord Clarendon says, " Whether the question was well stated to

[1] Whitelock, p. 375.

[2] Vide Short Memorials of Thomas Fairfax, written by himself, p. 121; 8vo. 1699. Appendix L L.

" Fairfax, or what was else said to him to dissuade him " from owning his declaration and promise, he boggled " so much in his answer, that they would be of opinion " that he had not made such direct and positive pro- " mise, and that the same was never transmitted to the " Parliament, which it ought to have been; and that at " most it could but exempt those prisoners from being " tried before a Court or Council of War, and could not " be understood as an obligation upon the Parliament " not to give direction to such a legal proceeding " against them as they should find necessary for the " peace and safety of the kingdom."[1]

Lord Fairfax neither " boggled" nor disowned the meaning he had originally given to the terms of surrender. The guilt of perverting the meaning of his promise of fair quarter for life must rest with the Court. But whether, on the other hand, he made any effort to assert his right to have the promises fulfilled, which his commission from Parliament entitled him to make, or whether he contented himself with the safer and less generous course of allowing the Court with which he was " unsatisfied" to proceed without interference in its judgment of his prisoners of war, can now be only matter of speculation; but that his conduct was, even in his own time, the subject of animadversion, of which he was conscious, is clear by the memorial written by himself, in which he speaks of " vindication of his conduct to " his Colchester prisoners."[2] He states that when the

[1] 'Hist. of the Rebellion,' vol. vi. p. 255.

[2] Short Memorials of Thomas Lord Fairfax, written by himself, p. 121; 8vo. 1699.

Council of War was called immediately after their entrance into the town, Sir Charles Lucas and Sir George Lisle were sentenced to die, "*the rest to be acquitted;*" but that he had "thought fit, *notwithstanding*, to trans- "mit the Lord Capell, Lord Norwich, &c., over to the "Parliament, being the civil judicature of the kingdom, "consisting then both of Lords and Commons, and so "most proper judges in their case, who were consider- "able for estates and family." This avowal of its being *his own* special resolution to send them to be judged by the civil judicature of the kingdom, and the allusion to their being considerable for estates and families, together with his letter to Lord Manchester, sending him the list of those whose lives were already assured, clearly indicate that it was their fortunes or their liberty that he meant to place at the disposal of the civil judicature, and not their lives. It seems, moreover, by the further explanation of Lord Fairfax's conduct contained in this memorial, that Lord Capell's friends had no fear of the explanation he would give of the terms of surrender, nor that he had cause to defend himself on that score. "It "may be objected that I went into the Court during "the trials," says Lord Fairfax; "to which I answer, it "was at the earnest request of the Lord Capell's friends, "who desired me to explain there what was meant by "surrendering to mercy, otherwise I had not gone, "being always unsatisfied with these Courts."

Whitelock's statement that "it was *proved* that the "articles were only 'to free him from the present "power of the sword to take away his life,'" is evidently erroneous, inasmuch as that was confusing the

terms of "fair quarter for life" (freedom from any execution of the sword) with those of "surrendering "to mercy" (or freedom from promiscuous execution of the sword). Whitelock might truly say that such was the decision of the Court; but it was a decision unsupported by, or, rather, in defiance of proof. It is certainly not on Fairfax's evidence as related by Whitelock that the blame of that decision must rest; nor could any Court, where the cause was not virtually decided before it was heard, have accepted a casual remark, such as Colonel Berksted's, as evidence of the meaning of a treaty which had been concluded the preceding day. Whitelock's honest hope, "that of this "learning none of this nation will have use hereafter," was most natural; but though expressed in his 'Memorials' immediately after the evidence given by Fairfax, it more properly applies to the proceedings which followed.[1]

[1] It is very probable that Whitelock's observation in fact applied rather to the manner in which Lord Fairfax's evidence was misconstrued into proof, than to the evidence itself: the arguments by which that evidence was converted, or rather perverted, to that purpose, are not related by Whitelock.

CHAPTER IX.

Lord Capell's Trial continued—His Defence—He is sentenced to Death—The final Decision is referred back to Parliament—Debates in Parliament—Cromwell advises that Mercy should not be shown him—The Petition in his favour is rejected—Examination of the Justice and Policy of the Sentence—Its real Motives—Comparison of the Case of Lord Capell with that of Marshal Ney.

ON February 17th the High Court of Justice again sat: witnesses were called to prove the escape of Lord Capell from the Tower. He pleaded "that he did "not escape as he was a prisoner of war, but as he was "sent to the Tower in another condition."[1] On the 21st of February the trial continued, and the order of the High Court was read to Lord Capell that they would hear what he could say this day, and then proceed to judgment. He said, "He was to be compre- "hended wholly in the martial law, and urged the "articles again which excepted trial after by Parlia- "ment,[2] that divers that were in Colchester in his "condition had compounded. The breaking prison for "treason by common law was but felony, and benefit "of clergy might be had." At last, when he could not get the resolution of the Court to be referred to a trial by martial law, he moved "that he might not be "barred of additional defence, and that, if he must be "judged by the common law, he hoped he might

[1] Whitelock's 'Memorials,' p. 376.

[2] This can only mean trial for life: the liability to trial by Parliament was declared by Fairfax from the first.

"have the full benefit of it."[1] He urged in favour of this request the late Act, which said, "Though King "and Lords be laid aside, yet the fundamental laws "shall be in force." He called the attention of the Court "to Magna Charta and the petition of right, "and pressed the consideration of the Act made in "favour of those who assisted King Henry VII., and "the exception in the Acts touching the Lord Strafford "and Canterbury, that they *should not be drawn in* "*precedent*. He desired to see his jury, and that they "might see him, and to be tried by his peers; and said "he believed that a precedent could not be given of a "subject tried for his life, but either by Bill in Par- "liament or by a jury."[2] On the 6th of March the trial concluded: Lord Capell briefly recapitulated what he had said on the preceding days, and further observed, in illustration of the accepted meaning of quarter for life, that an ordinance of Parliament had passed "that "quarter should not be given to *Irish* rebels *for life*, "which implied that quarter given to others should be "inviolable for life."[3] "The President, in his scarlet "robes, spake many hours in answer to the several pleas "of the prisoners, and, at last, sentence was given against "them all,[4] that their heads should be severed from "their bodies, yet with relation to the mercy of Par- "liament."[5]

On the injustice of such a sentence the judgment of posterity must be unanimous; and, though much may

[1] Whitelock's 'Memorials,' p. 377. [2] Ibid. [3] Ibid., p. 378.
[4] Earl of Cambridge, Earl of Norwich, Lord Capell, Sir John Owen.
[5] Whitelock, p. 378.

be said in favour of the sobriety and moderation evinced in this kingdom compared with the conduct displayed in other countries during civil commotions; though the strong religious faith that influenced both parties and pervaded all classes, the habits of self-government, and the respect for legal forms and constitutional precedents, preserved England from that fearful disregard of life, and that reckless disregard of property, which have led elsewhere to indiscriminate massacres, wanton destruction, and wholesale executions; yet, without the excuse of haste, of passion, of fear, or of ignorance, the conduct of such a tribunal as this High Court of Justice must be judged, though erected in times of political convulsion, as one of deliberate action and cool purpose. The trial lasted from the 10th of February to the 6th of March, when sentence of death was passed by the Court; but, whether from a lingering consciousness of the perversion of justice—from a division of opinion in the leading men in the new Council of State[1]—from a hope in some to save, though they dared not acquit the accused, from a timid subserviency to Parliament and the wish to be supported in their decision by the power to which they owed their judicial existence, and whose authority the country still recognised,—the Court referred back the fate of the prisoners to the mercy of Parliament. From Parliament might have been expected the fulfilment, in spirit and in act, of the conditions granted by Lord Fairfax. The terms of his commission must have been

[1] On the 14th of February a vote passed for thirty-eight persons to be of the Council of State, which was to sit for a year.—Vide Appendix M M.

known to the leaders in Parliament from whom he held it; and it is to be presumed he did not exceed the limits of its power, either by his rigour or by his clemency at Colchester, as the Parliament had marked their entire acquiescence in all that had occurred as detailed by him in the letter to the Earl of Manchester, by sending down Sir Henry Mildmay and Mr. Gordon immediately to Colchester to express the approbation of Parliament.[1]

In confirmation of the spirit in which the terms granted to the prisoners were understood by Parliament, it must be remembered that, even when Lord Capell, Lord Norwich, and others, were impeached of high treason, by neither Lords nor Commons were their lives called in question, and in both Houses a Bill was passed that sentenced the delinquents to banishment for a term of years.[2] But it was not in the meaning of the terms of fair quarter, but in the composition of Parliament itself, that a change had taken place when this sentence of banishment was revoked. New influences had risen into power; forty-seven members had been imprisoned, and ninety-six secluded;[3] and a new spirit

[1] Com. Journals, vol. v. p. 695. Appendix N N.

[2] The Earl of Holland pleaded, in answer to the charges against him, "that his fact was not capital, but criminal; that he had quarter given him "when he was taken at St. Neede's; and that both Houses had passed an "order since for his banishment, the which excused the aggravations."—Whitelock, p. 378. The Earl of Cambridge pleaded the promise of quarter for life granted to him by Lambert when he yielded himself prisoner. This plea was met, not by overruling the promise of quarter for life, but by witnesses being produced to prove that he was a prisoner to Lord Grey before the articles with Major Lambert were concluded.

[3] The seizure of the members who had voted "that the King's answers "to the propositions were a ground for them to proceed upon for settling

was infused into the conduct and views of the House of Commons, which led to fundamental changes, to the setting aside the votes of the House of Lords, to the trial and execution of the King, to the declaration that the Lords were useless, to the abolition of the kingly office, and to the erection of a second temporary High Court of Justice to try prisoners of war. These prisoners were to be tried by the extraordinary court, in spite of the terms which had been promised by the Parliamentary General, and had been adopted by Parliament itself in an Act amounting to a formal condonation. The same new spirit likewise led to the refusal of mercy when the ultimate decision was referred to Parliament by the special tribunal, although the prisoners had received an assurance which had been virtually recognized as a guarantee against capital punishment.

The Earl of Warwick,[2] the Countess of Holland, and Lady Capell, appeared at the bar of the House of Commons, to petition for the lives of those against whom the High Court of Justice had pronounced sentence of death. After some hours' debate upon these petitions the House resolved "not to proceed any fur-" ther upon these petitions, but to leave them to the " justice of the Court that sentenced them." Such was the result described by Whitelock of the first attempt on the part of relations and friends to move the Parlia-

" the peace of the kingdom," well known by the name of " Colonel Pride's " Purge," shows that the ascendancy of military power had done more to interfere with and overthrow the privileges of Parliament, after eight years' struggle, than Charles had ventured upon in his deservedly censured attempt to seize the five members.

[2] Brother to the Earl of Holland.

ment to mercy. The petitioners then addressed themselves to the High Court, and obtained from them but the short respite of two days.

The following day, March 8th, several petitions were tendered again to the Parliament, and a letter was received and read from the General "touching the "articles to Lord Capell and Lord Holland."[1] This letter is unfortunately not entered in the Journals, nor does Whitelock mention its contents. It can only, therefore, be presumed that it did not differ from his former statements and explanations. A long debate took place on the petitions. When the petition of Lady Capell was read, many members spoke in her husband's behalf, his virtues were stated, and there were those who had the courage to call attention to the fact "that "he had never deceived them, or pretended to be of "their party, but always resolutely declared himself "for the King."[2] There was yet another voice on which his fate was to hang: "Cromwell, who had known "him very well, spoke so much good of him, and pro- "fessed to have so much kindness and respect for him, "that all men thought he was now safe."[3] A cruel delusion. They were but honeyed words, to conceal the bitter purpose of his speech; and he concluded, like a

[1] Commons' Journals, vol. vi. p. 159.

[2] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 260.

"The Parliament also was willing to show mercy to some of these, and "to execute others for example; whereupon the whole House was diversely "engaged, some for one and some for another of these lords, and striving "to cast away those they were not concerned in, that they might save "their friends."—Memoirs of Col. Hutchinson, p. 339, edit. Bohn's Standard Library.

[3] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 260.

second Iago, by turning the very virtues he lauded into just causes of suspicion.

He informed the House "that his affection to the "public so much weighed down his private friendship "that he could not but tell them that the question was "now whether they would preserve the most bitter and "the most implacable enemy they had; that he knew "the Lord Capell very well, and knew that he would be "the last man in England that would forsake the Royal "interest; that he had great courage, industry, and ge- "nerosity; that he had many friends who would always "adhere to him; and that, as long as he lived, what "condition soever he was in, he would be a thorn in "their sides;[1] and therefore, for the good of the Com- "monwealth, he should give his vote against the peti- "tion." All men had thought Lord Capell was safe when his merits were the theme of Cromwell's praise. No wonder, then, that when the real purport of his speech was understood Lord Capell's fate should have been sealed. "Ireton's hatred was immortal," says Lord Clarendon; he spoke of Lord Capell and against him as of a man "of whom he was heartily afraid." Was Cromwell influenced by Ireton's hatred, or did he share in his fear?—Or had not the letter from the Tower inspired sentiments similar to Ireton's towards a man so uncompromising in principle, so undaunted by adversity, so regardless of self?[2]

[1] Cromwell's assurance of Lord Capell's unchanging loyalty was little more than a paraphrase of his own declaration.

[2] "The talents and virtues of Lord Capell were such as to render it "highly probable that a dread of their influence precluded him from "mercy."—Howell's State Trials, vol. iv. p. 1220.

Who can presume to discern the mixed and various motives by which men may be impelled to the commission of a single action? There were "very many," says Lord Clarendon, "who were swayed by the argu-"ment that had been urged against Duke Hamilton, "that God was not pleased that he should escape, "because he had put him into their hands again when "he was at liberty."[1] Is it possible that the dark fanaticism of the age could so misinterpret the inscrutable ways of Heaven as to lead men thus to mistake their own insensibility to mercy for divine interference?[2]

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 260.

[2] The painful struggle in Colonel Hutchinson's mind, related by his wife, between his own moral sense and this dangerous fanaticism, shows how far even good men were under its influence in those days:—"Mr. "Hutchinson was chosen into the first Council of State, much against his "own will; for, understanding that his cousin Ireton was one of the "Commissioners to nominate that Council, he sent his wife to him, before "he went to the House, that morning they were to be named, to desire "him, upon all the scores of kindred and kindness that had been between "them, that he might be left out, in regard that he had already wasted his "time and estate in the Parliament's service, and, having had neither re-"compense for his losses nor any office of benefit, it would finish his ruin to "be tied by this employment to a close and chargeable attendance, besides "the inconvenience of his health, not yet thoroughly confirmed, his con-"stitution being more suitable to an active than a sedentary life. These "and other things he privately urged upon him; but he, who was a man "regardless of his own or of any man's private interest, wherever he "thought the public service might be advantaged, instead of keeping "him out, got him in, when the Colonel had prevailed with others to have "indulged him with that ease he desired.

"Although Mr. Hutchinson was very much confirmed in his judgment "concerning the cause, yet herein being called to an extraordinary action, "whereof many were of several minds, he addressed himself to God in "prayer, desiring the Lord that if, through any human frailty, he were "led into any error or false opinion in these great transactions, he would "open his eyes, and not suffer him to proceed, but that he would confirm "his spirit in the truth, and lead him by a right, enlightened conscience;

The House divided on the question whether the Duke of Hamilton should be reprieved. He had fewer friends than the others, and, though he was not without advocates for his reprieve, it was negatived by a large majority.[1] On the question whether the Earl of Holland should be reprieved, the votes were equal for and against; the casting-vote of the Speaker was given against him.[2]

Next came the question of the petition for the Earl of Norwich's reprieve; for him the votes were equal. The Speaker gave the casting-vote in his favour, saying he did so because he had formerly received some civility from him, and by that single vote his life was spared.[3]

"and finding no check, but a confirmation in his conscience that it was "his duty to act as he did, he, upon serious debate, both privately and in "his addresses to God, and in conferences with conscientious, upright, "unbiassed persons, proceeded to sign the sentence against the King. "Although he did not then believe but that it might one day come to be "again disputed among men, yet both he and others thought they could "not refuse it without giving up the people of God, whom they had led "forth and engaged themselves unto by the oath of God, into the hands "of God's and their own enemies; and therefore he cast himself upon "God's protection, acting according to the dictates of a conscience which "he had sought the Lord to guide, and accordingly the Lord did signalise "his favour afterwards to him."—Memoirs of Col. Hutchinson, pp. 336-338, edit. Bohn's Standard Library.

[1] An epitaph, written at the end of a pamphlet entitled 'Digitus Dei, or, God's Justice upon Treachery and Treason exemplified in the Life and Death of the late James Duke of Hamilton,' and printed in 1649, shows a bitter spirit towards that nobleman by those who were no less the enemies of Cromwell's power.—See Appendix O O.

[2] Whitelock, p. 379. Lord Clarendon says, that, when the question was put concerning Lord Holland, they who were for the negative exceeded the number of the others by three or four votes.—Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 257.

[3] "The Speaker told the House that he had received many obligations "from that lord; and that once, when he had been like to have incurred "the King's displeasure, by some misinformation which would have been

Sir John Owen's life was spared, says Lord Clarendon,[1] by Ireton's appeal to the mere motive and goodness of the House; but it appears from Mrs. Hutchinson's account that this act of mercy in fact originated entirely with her husband.

The petition presented by Lady Capell in favour of her husband's reprieve was put to the question: a long debate ensued; and though, as Lord Clarendon says, "there was not a man who had not a value for him, "and very few who had a particular malice or preju-

"very penal to him, the Lord Goring ('under which style he was treated, "the additional of Norwich not being allowed by them upon their old "rule') had by his credit preserved him, and removed the prejudice that "was against him; and therefore he was obliged in gratitude to give his "vote for the saving him."—Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 288.

[1] Ibid., p. 261.—"While there was such mightly labour and endeavour for "these lords, Colonel Hutchinson observed that no man spoke for this poor "knight [Sir John Owen]; and, sitting next to Colonel Ireton, he expressed "himself to him, and told him that it grieved him much to see that, while "all were labouring to save the lords, a gentleman, that stood in the same "condemnation, should not find one friend to ask his life; 'and so,' said "he, 'am I moved with compassion, that, if you will second me, I am "resolved to speak for him, who I perceive is a stranger, and friendless.' "Ireton promised to second him, and, accordingly, inquiring further of "the man's condition, whether he had not a petition in any member's "hand, he found that his keepers had brought one to the clerk of the "House; but the men had not found any who would interest themselves "for him, thinking the lords' lives of so much more concernment than "this gentleman's. This the more stirred up the Colonel's generous pity, "and he took the petition, delivered it, spoke for him so nobly, and was "so effectually seconded by Ireton, that they carried his pardon clear. "Yet, although one who knew the whole circumstance of the business, "how Mr. Hutchinson, moved by mere compassion and generosity, had "procured his life, told him who admired his own escape how it came "about, yet he never was the man that so much as once came to give him "thanks."—Mem. of Col. Hutchinson, pp. 339, 340 (Bohn's Standard Library).

"dice towards him, the question being put, the peti-
"tion was negatived by three or four voices."[1]

Every effort that affection or friendship could suggest to preserve their lives had been made by relations and friends in the short time that elapsed between the passing of their sentence in Court and this last appeal to the mercy of Parliament. Money was offered, and even received by some who were thought to have power, and who scrupled not to promise what they could not or meant not to perform; while others, who were as much above being tempted by sordid considerations as they were unmoved by gentler sympathies, told the supplicating ladies who interceded for their husbands and fathers "that they would not endeavour to do them "service." Ireton, "above all," says Lord Clarendon, "continued his insolent and dogged humour, and told "them if he had credit they would all die."[2]

On reviewing the trial and condemnation of Lord Capell, the subject must be regarded not only as a question of legal justice, but, in consideration of the times, as a question of policy.

That he was tried for his life and condemned to death, in spite of assurance of fair quarter, is the heavy reproach that lies upon the justice of the Court that tried and condemned him. There is every presumption in favour of the belief that Lord Fairfax, who gave the quarter, Lord Capell, who received it, and the Parliament, who, by their first sentence of banishment, acquiesced in it, applied no other definition

[1] 'Hist. of the Rebellion,' vol. vi. p. 261.
[2] Ibid., p. 256.

to the words in which it was expressed than that which common usage or their obvious meaning might suggest.

By what process the intricacies of legal technicalities may have been brought to bear upon and alter the construction of terms granted on the field to prisoners of war,—by what forced construction liability to Parliament was made to include their liability to the capital punishment from which they seemed to be exempted, it is impossible now to say.

Whitelock has given in some detail the pleas on which Lord Capell and his fellow-prisoners defended themselves; but he has not related a word nor an argument of that long speech of "many hours" in which the President[1] answered their pleas. This is of course much to be regretted, as it would at least have transmitted to us the knowledge of that learning of which Whitelock hoped none of this nation would have use hereafter.

Without, therefore, being furnished with the account of any legal argument which might have tended to negative the legal right, if not the spirit, of the assurance of life, and knowing, on the other hand, the unfavourable impression entertained by Whitelock[2] of the learning displayed on this occasion, and the dissatis-

[1] Whitelock had no very great respect, it would seem, for President Bradshaw's speaking. Upon another occasion he thus alludes to him:—"In the Council of State the President Bradshaw spent much of their "time in urging his own long arguments, which was inconvenient in state "matters; and his part was only to gather the sense of the Council and to "state the custom, not to deliver his own opinion."—Whitelock's 'Memorials,' p. 380.

[2] Whitelock was at this time one of the Commissioners of the Great Seal, now put in commission.

faction with the Court itself expressed by Lord Fairfax, the misconduct of the President, who insulted Lord Capell[1] on his trial, and of Ireton, who, sitting as a judge, actually gave evidence against him, there is nothing to create a belief that the sentence was in conformity with the just and legal construction of the terms granted by Lord Fairfax to those prisoners who, having surrendered to mercy, were afterwards admitted to fair quarter.[2]

Can it be urged, in extenuation of the judgment of the Court and the conduct of Parliament, that the condemnation of the prisoners and the rejection of their petitions for mercy were demanded by the exigencies of the times—that the case must not be judged by the ordinary rules of justice or exercise of mercy? Was it a stroke suggested by fear or required by necessity? Was it part of a system, without relation to individual cases or circumstances? Were these three peers the first names in a long proscription list? Was it the ancient policy of cutting off the heads of the tallest poppies as an example to intimidate and weaken the hostile party? No such policy appears to have been

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 255.—"The President "Bradshaw told the Lord Capell, with many insolent expressions, 'that "he was tried before such judges as the Parliament thought fit to assign "him, and who had judged a better man than himself.'"

[2] "Ireton, who was present, and sat as one of the judges, denied 'that "the General had made any such promise; and if he had, that the Par- "liament's authority could not be restrained thereby;' and put him in "mind of his carriage at that time, and how much he neglected then the "General's civility."—Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 254. It would seem by this passage that Ireton acted as judge, though his name is not in the printed list of those who sat in this second High Court of Justice.

adopted or required at this moment. The power that had brought the sovereign to the scaffold with impunity was far too strong to need the minor sacrifice of the lives of a few faithful followers and adherents to add to its strength.

Other prisoners, men of rank and fortune, taken under circumstances similar to those of Lord Capell, Lord Norwich, Lord Holland, the Duke of Hamilton, and Sir John Owen, were never subjected to trial by the High Court of Justice, but allowed the full benefit of such terms as they had received from Lord Fairfax or other Generals on the field. Nor could any danger be apprehended even from the great "courage, industry, "and generosity," so speciously attributed to Lord Capell by Cromwell, that would not fully have been met by the sentence of banishment which had been pronounced against him by Parliament. Of the five who were condemned to suffer two were pardoned. The petition in favour of Lord Norwich, who, as chief commander at Colchester, should have been regarded as a greater delinquent than Lord Capell, passed by one vote, avowedly given on the ground of personal favour. Sir John Owen owed his pardon to the humanity of Mr. Hutchinson and the somewhat capricious interference of Ireton.[1]

These exceptions at once forbid the idea of any

[1] Lord Norwich and Sir John Owen were set at liberty on the 7th of May following.—Journals of the House of Commons, May 7, 1649. In Peck's 'Desiderata Curiosa,' p. 542, is the following entry of Lord Norwich's death:—"*January* 6, 1661-2. Died George Lord Goring (in his "passage by land from Hampton Court to London), at Brainford, aged "about eighty years. ['He was Earl of Norwich, and buried in West-"'minster Abbey.—Baron, vol. ii. p. 461.']"

distinct line of policy that was to be carried into effect by the execution of these prisoners. To what, then, must be attributed the refusal of mercy which led Lord Capell, Lord Holland, and the Duke of Hamilton to the scaffold? The power of life and death seems now to have passed into the hand of Cromwell. It was Cromwell, says Lord Clarendon, who knew that the Duke of Hamilton being out of the way would not be "unacceptable to them upon whom the peace of the "kingdom of Scotland depended." It was Cromwell who had more than an ordinary animosity against Lord Holland, "for his behaviour in the be- "ginning of the summer, and for some words of neg- "lect and contempt he had let fall concerning him- "self."[1] It was Cromwell's favourable words that led Lord Capell's friends to think him safe, — it was the disclosure of his real purpose that quenched at once their hopes. It was Cromwell's son-in-law who had conceived an immortal hatred against Lord Capell.

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 257. Whitelock's feelings towards Lord Holland were evidently not in unison with those of his party who wished for his death:—"The Lord Goring, who had "been no friend to the religious party, was saved; and the Earl of Holland, "who had been a most civil person to all, and a very great friend to the old "Puritans, and protected them in the time of his greatest interest, by the "same single vote lost his life.

"This may be a caution to us against the affectation of popularity, when "you see the issue of it in this noble gentleman, who was as full of gene- "rosity and courtship to all sorts of persons, and readiness to help the "oppressed, and to stand for the rights of the people, as any person of his "quality in this nation. Yet this person was, by the representatives of the "people, given up to execution for treason; and another lord, who never "made profession of being a friend to liberty either civil or spiritual, and "exceeded the Earl as much in his crimes as he came short of him in his "popularity,—the life of this lord was spared by the people."

—Cromwell's speech dexterously used his virtues as the bar to all mercy. That Ireton suggested evil counsel seems obvious; but Cromwell was no weak instrument to be moulded or guided by others. His was the master mind to receive or reject what was offered to his consideration. His was the master hand that had power to pardon or to kill. Perhaps by lending a willing ear to the counsel and wishes of Ireton he grew to sympathise in his views, but still more probably the recollection of the letter addressed to him from the Tower had excited a jealous fear towards its inflexible writer. The honest, plain bearing, the unflinching loyalty, the haughty integrity, and undaunted courage of Lord Capell, rendered him a truly formidable opponent; and it is difficult to arrive at any other conclusion than that Lord Capell, "for whom all men had a value, "and against whom very few had a particular malice "or prejudice," was the victim of the hostility of personal enemies, who, though very few in number, were at that moment highest in power.

The instance in more modern times which naturally suggests itself as most resembling in its circumstances the trial and condemnation of Lord Capell is that of Marshal Ney. Whatever may be the opinion of the policy that dictated the proceedings instituted against that distinguished General, there can be none who do not sympathise in regret at his fate. The extraordinary courage which had procured him, even in that brave nation, the appellation of Le Brave des Braves, the laurels he had won as a victorious commander, and the still greater honour he had gained by the conduct of the

famous retreat from Moscow, have surrounded his memory with a glory that not even his subsequent breach of faith could obscure; and the history of his brilliant services gives rise to painful reflections that the sacrifice of such a man, as an example, should have been deemed necessary by the Chamber of Peers, the Ministry, and the Court of his own country.

In the degree of culpability towards the Crown on the part of Marshal Ney, and towards the Parliament on the part of Lord Capell, there can be little comparison. No breach of trust was to be imputed to Lord Capell. He held the Prince of Wales' commission to raise troops and fight in defence of the King, in whose name (however much in defiance of his personal authority) the Parliament continued to act, when he offered resistance to the Parliamentary General. Marshal Ney, holding a commission from the acknowledged and established sovereign, carried over the regiments in his command to assist an invader to regain the throne which he had voluntarily abdicated.[1] But the great difference in the circumstances by which each incurred the liability to be tried by the reigning power does not affect the points of comparison in their trial and execu-

[1] Ney's account to M. de Cazes of what passed with Louis XVIII. is as follows:—"J'ai en effet, dit-il, baisé la main du Roi, sa Majesté me l'ayant "présentée en me souhaitant un bon voyage. Le débarquement de Bona- "parte me paraissait si extravagant que j'en parlais avec indignation, et "que je me servis en effet de cette expression de *cage de fer* (*j'emmènerai* "*Bonaparte dans une cage de fer*). Dans la nuit du 13 au 14 Mars, "époque jusqu'à laquelle je proteste de ma fidélité au Roi, je reçus une "proclamation toute par Bonaparte. Je la signai."—Histoire de la Restauration, vol. iii.

tion subsequent to a promise of life, in one case by fair quarter, and in the other by general amnesty.

In both cases the prisoners were first tried by a Council of War. Lord Capell received assurance of life from the General and the Council, and he and his fellow-prisoners were acquitted by the Council, and reserved by the authority of the General only for the civil judicature of Parliament, "on account of their families and estates being considerable." The Council of War which was summoned to decide on Marshal Ney's fate declared itself, upon five different grounds, incompetent to judge the case, and it was resolved that he should be tried by the Chamber of Peers.[1]

Lord Capell was sentenced by Parliament to banishment; the sentence was afterwards revoked without any ostensible grounds, and a High Court of Justice, chosen by Parliament, was erected for his trial for high treason against that body. The French Chamber of Peers was constituted a Court of Justice, the mode and form of proceeding were prescribed by an ordinance from the King, and Marshal Ney was tried for high treason against the Crown.

Of the facts on which the accusation against him was founded there was no doubt, and witnesses were produced to substantiate the evidence of his guilt. The plea urged for his acquittal was the amnesty contained in the 12th Article of the Convention of Paris.[2] The

[1] He was accused of high treason and an attempt against the safety of the State, which, by the 33rd Article of the Charter, was to be judged by the Chamber of Peers.

[2] Article 12:—"Seront respectées les personnes et les propriétés particulières: les habitans, et en général tous les individus qui se trouvent dans

validity of the convention itself was disputed, on the ground of its not being signed by the King; and the terms of the article in question were denied to have meant an amnesty that included political offences.[1] The validity of the articles of surrender at Colchester was never disputed; the meaning of the terms which gave assurance of life was not denied; but a far wider scope than was originally intended was given to the reference to Parliament, and the power of trial for life was transferred to a High Court of Justice.

It was alleged, in favour of the validity of the Convention of Paris, that, though not signed by Louis XVIII., he had profited by this treaty to re-enter Paris, and that his ministers had appealed to its authority to preserve the public monuments and gallery secured by the 11th article; and the 15th article[2] was referred to as interpreting the 12th, when any doubts arose in favour of the army or the town of Paris. Those who signed the articles on behalf of Paris[3] gave their evidence that the intention of the treaty had been to protect all who might deem themselves compromised.[4] Against the

" la capitale, continueront à jouir de leurs droits et libertés sans pouvoir " être inquiétés ni recherchés, même relativement aux fonctions qu'ils " occupent ou auraient occupées, à leur conduite, et à leur opinion " politique."

[1] It is quite clear that such was the understanding of the foreign allies at the time they signed the Convention of Paris.—Vide Appendix P P.

[2] Article 15:—" S'il survient quelques difficultés sur l'exécution de " quelques uns des articles de la Convention, l'interprétation en sera faite " en faveur de l'armée Française et de la ville de Paris."

[3] MM. Bignon and Bondy, on the part of the Provisional Government, and General Guilleminot, who was added by desire of Davoust, Prince d'Eckmuhl.

[4] It is, however, said, that when the Prince d'Eckmuhl remonstrated against the proclamations of July, he urged every argument excepting the 12th article of the Convention of Paris.

validity of the Convention it was alleged that it was never signed or ratified by the King of France, and was, therefore, of no legal value before a French tribunal. It had never been appealed to on the occasion of the proscriptions of July, nor on the trial of La Bedoyère, nor in behalf of Marshal Ney at the Council of War, nor till the middle of his trial in the Chamber of Peers, and then by the recommendation of his legal advisers at the suggestion of a third party.[1]

Lord Capell from first to last maintained his plea of fair quarter, and appealed to the fact that others in the same situation as himself at Colchester had compounded.

The question of amnesty by right of the Convention was summarily disposed of in the Chamber. A requisition was sent to the Chancellor[2] from the King's Commissioners for the prosecution to forbid in French tribunals an appeal against the authority of the King, founded on a convention made by the agents of a party in direct revolt against the legitimate King with armies besieging Paris.[3] The Chamber of Peers could hardly, after this prohibition, have recognised and adopted a treaty repudiated by their own government.

Marshal Ney was pronounced guilty of high treason by 157 Peers to one vote of not guilty, and one Peer abstained from voting; he was condemned to death by the votes of 139 Peers, seventeen voted for banishment, and five abstained from voting. Lord Capell demanded

[1] Histoire de la Restauration, vol. iii. p. 373.

[2] President of the Chamber.

[3] Even the reading of the Convention, and all discussions arising from it, were forbidden.

in vain that he might be tried by his Peers or by a jury, if martial law was to be set aside. Sentence of death was passed upon him, but again to be referred to Parliament. The King's pardon was sought for Marshal Ney. A family conclave was said to have influenced the Royal decision, and pardon was refused. A petition in favour of Lord Capell was presented to the House of Commons, and rejected by a majority of three or four votes; the great military chief who had become the sovereign voice in the state pronounced against him, and thus dictated the decision of others.

In the condemnation of Lord Capell and Marshal Ney the parallel is not, as before observed, in the offence, but in the claim of each to exemption from capital punishment by a previous assurance of life. In the possible construction of the 12th and 15th articles of the Convention of Paris there may have arisen legal doubts as to whether the case of Marshal Ney was included in its terms; but that the articles were not drawn up with the intention of including cases of high treason was declared at the time; and out of nineteen persons ordered for trial, and thirty-eight more banished from Paris till the Chamber had decided on their fate by order of the King's proclamation, not one claimed protection or pardon on the ground of those articles. If the Chamber of Peers committed a breach of faith, it cannot be said that they violated hopes of security inspired by a convention to which none appealed till the middle of what must be considered as the second trial of Marshal Ney.

Lord Capell never varied in the ground of his claim

to be exempted from trial for life, and could adduce the precedent of those who were taken prisoners under similar circumstances, and to whom the plea was allowed. There was no denial of the authority by which the terms at Colchester were granted, nor, if the prisoners were unjustly condemned, was there in the state of public feeling any reason to be adduced in justification of withholding mercy at the last appeal.[1] Even in the case of Marshal Ney, notwithstanding the overwhelming majority of those who voted for his death in the Chamber of Peers, it is difficult to believe that state policy would not have been better served by the exercise of mercy than by the strict execution of justice; but those who may be most inclined to censure the condemnation or deplore the execution of the hero of another country, must remember the humiliating fact that a far greater breach of faith was committed at home when a man of unimpeachable honour and courage like Lord Capell was brought to the scaffold.

[1] "Je dois ajouter qu'en l'état des opinions et des partis en feu, en présence d'une majorité de députés exaltée, il eût été très-difficile de commuer la peine du Maréchal, sans soulever bien des orages; ce que la postérité aurait considéré comme le plus bel acte de la vie des Bourbons, la Chambre des Députés ne l'aurait pas pardonné au ministère, et le lendemain le cabinet Richelieu aurait été mis en accusation. Quel temps que cette époque de 1815!"—Histoire de la Restauration, vol. iii. p. 403.

CHAPTER X.

Dr. Morley's account of Lord Capell's last hours — Lord Capell's last letters to his Wife — His demeanour on the scaffold — He addresses the people — He is beheaded — His feeling of loyalty towards the King — Alleged fondness of the English people for judicial murder — Conduct of the High Court of Justice in Lord Capell's case.

LORD Capell's conduct during the few hours of existence that now remained to him was in perfect harmony with the rest of his life. The same undoubting conviction of the rectitude of his cause—the same unbroken spirit in declaring his opinion—the same forgetfulness of self and thoughtfulness for others—the same lofty courage in encountering death—the same deep humility in bowing to the will of Heaven.

The prisoners were removed after their sentence to St. James's House in the Park, and it was there that Dr. Morley visited Lord Capell and administered to him such consolations as the ordinances of religion and the prayers and conversation of so good a man could afford, during the short time that intervened between his condemnation and execution. An account of these interviews was written by Dr. Morley "when the "events were fresh in his mind." That account has happily been preserved. It is in Dr. Morley's own words that these interesting and affecting details are best related.

"*Bishop Morley's Account of the Manner of the Death of the Right Honourable Arthur Lord Capell, who was beheaded by the Rebels, March the 9th,* 1649.[1]

"I went often to visit the Right Honourable the Lord Capell a little before his dath, whilst he was a prisoner in St. James's House in the Park, and always found him in such a temper as became an innocent and well-resolved person.

"The night before he was to suffer, he told me he had a great desire to receive the sacrament before his death, if he might receive it from a minister of the King's party, and according to the Liturgy of the Church of England; but said withal, he feared no such person as he could receive it from could give it him without endangering himself, and that he was loth to endanger any man. I replied I knew not what danger there might be in doing that Christian office to a dying man; but was resolved (if he pleased to take it from my hands) to venture anything that could come of it rather than his Lordship should die without that satisfaction. He seemed to be, and no doubt was, very glad of this offer of mine, and gave me many thanks for it, desiring me that (without losing any more of the little time he had left) I would confer and pray with him in order to his preparation for receiving the Holy Sacrament next morning. I did so; and found that he could not accuse himself of any great known sin, committed against the light of his own conscience, but one only—and that was the giving his vote in Parliament for the death of my Lord of Strafford; which (said he) I did against my conscience, not out of any malice to the person of the man, but out of a base fear (they were his own words), and carried away with the violence of a prevailing faction, and for which (said he) I have been and am heartily

[1] From the original paper of that Bishop's own writing, in the possession of the present Earl of Essex. This paper was communicated to J. B. Howell, Esq., editor of the State Trials, by the late Earl of Essex, 1809.

sorry, and have often with tears begged, and (I hope) obtained, pardon of Almighty God; adding that (if I thought it necessary or fit) he would confess this great and scandalous sin of his, together with the cause of it, openly upon the scaffold, to God's glory and his own shame; which I telling him I thought it would be ingenuously and Christianly done of him to do, he did accordingly the next morning.

"Then, having prayed again with him, I left him for that night in a most Christian temper to his own devout meditations.

"The next morning (at the hour agreed on between us, which was between 6 and 7) I came to him again and found him ready to receive me. We went into a chamber alone together, where, after some spiritual conference suitable to the present occasion, I first prayed with him and then he prayed himself with very great zeal and fervour, and for others as well as for himself; nay, for his enemies as well as for his friends, but especially for the King, the kingdom, and the Church. And all this with such apt and unaffected expressions, and in so regular a method, that one might easily perceive that prayer was a thing he had so often exercised that it was grown habitual to him.

"Having thus prepared himself, he did, with great humility and devotion, receive the Holy Sacrament, together with the Earl of Norwich and Sir John Owen, who were condemned to suffer with him, but are yet (thanks be to God) both living, and will live, I hope, to see justice done upon those who did condemn them.

"Having received the Sacrament, and being much comforted by it (as finding in himself all the gracious effects of it), he was presently put to the trial of his spiritual strength, by taking his leave of the nearest and dearest relations that can be betwixt flesh and blood, and the strongest ties that a noble nature can have unto the world. For that excellent lady his wife and his eldest son, together with two of his uncles, and his nephew Sir Thomas Corbett, came all into the room at once (as being not

permitted to do it severally), and at once assaulted him (as it were) with such passionate looks, gestures, and words, bemoaning and bewailing him and themselves (his lady especially) with such sweet and tender expressions of love, sorrow, and pity, that the greatest natural courage in the world must needs have been shaken with it, had it not been supported (as his was) with more than human strength and firmness. I am sure it was the saddest sight that ever I saw; and such a one as even that great courage of his could not choose but be a little softened and melted with it; but he quickly recollected himself, and then, with a cheerful countenance, told his wife and the rest that he and they must all submit, not only with patience, but cheerfulness, to the Divine Providence, which, no doubt, had and would order all things so as should be best for him and them too, though, perhaps, it did not yet appear to them to be so. Then, having recommended the care of his children and servants unto his lady, he commanded both her and his son, as they loved him, to forgive his enemies; 'and though' (said he unto his son) 'I would not have you neglect any honourable and just occasion to serve your King and country with the hazard of your life and fortune, yet I would have you to engage yourself (as I, thanks be to God for it! have done) neither out of desire of revenge, nor hope of reward, but out of a conscience of your duty only. My land' (said he) 'was so settled upon you by your grandfather, that no pretence of crime in me can deprive you of it. The best legacy I can leave you is my prayers for you and a verse of David's Psalms, which I command you upon my blessing to make a part of your daily prayers, as I have always made it a part of mine, viz. "Teach me thy way, O Lord, and lead me in a plain path," Ps. xxvii. 11. For I have always loved plainness and clearness both in my words and actions, and abhorred all doubling and dissimulation, and so I would have you to do also.' Then he gave him his blessing; and having embraced his uncles and nephew, he took his last leave of them all, not without some tears on his

part, as well as many of theirs. His poor lady, being not able to support such a weight of grief, did sink under it, and was fain to be carried out from him. As soon as all were gone, and none left in the room but he and I, 'Well, doctor' (said he), 'the hardest thing that I had to do here in this world is now past, the parting with this poor woman; let us now again to our main concernment. I believe' (said he) 'I shall be called upon presently to go to the place where I am to take my leave of all the rest of the world, and, I thank my God, I find myself very well disposed to it and prepared for it.' And then he told me he was in good hope that when he came to die he should have nothing else to do but to die only. 'For' (said he), 'when I am upon the scaffold, having made a confession of my faith, and said something in honour of my master that was, and for the service of my master that now is, I will only repeat the Lord's Prayer upon my knees, and then lay my head upon the block, desiring the executioner that, upon the stretching forth of my right hand (which shall be in the very act of recommending my soul to my Saviour), he would instantly do his office.' And then he showed me the heads of what he meant to speak off, written with his own hand, which, after he had made use of, he gave unto his servant, just as he laid himself down to receive the stroke, and commanded him to deliver that paper unto me as soon as he was dead, which he did accordingly. We had scarce made an end of reading this paper when Lieutenant-Colonel Beecher, the officer appointed to convey him and the other condemned Lords, with Sir John Owen, to the place of execution, knocked at the door and told him it was time for his Lordship to go, whose summons he very readily and cheerfully obeyed.

"Presently afterward Duke Hamilton, the Earl of Holland, the Earl of Norwich, and he, together with Sir John Owen, were carried through St. James's Park in sedans, to Sir Robert Cotton's house, beyond the upper end of Westminster Hall, where they were all put into one room, and stayed there at least

an hour before Duke Hamilton (who was ordered to die first) was carried to the place of execution, which was upon a scaffold just before Westminster Hall, in the new palace. During the time of their stay in Sir Robert Cotton's house, my Lord Capell, finding his stomach a little ill, and fearing he might be worse if he did not do then what he had for a long time accustomed himself to do daily, called me aside and asked me whether he might not take a pipe of tobacco without scandal, saying he was afraid it might very much discompose him if he did not. I told him I thought he might, and that in prudence he ought to do it, rather than hazard such an inconvenience at such a time, when he had need to be in the best temper. Whereupon, Duke Hamilton and the Earl of Holland drinking each of them a little wine to comfort their spirit, he took a little tobacco to the same end also. All time of his being there (which was at least two hours, he being the last of the three that was to be put to death) he spent either in conference with me, or in soliloquies and prayers unto God. At last, when (the other two Lords being already executed) Colonel Beecher came to fetch him to the scaffold, he first took his leave of my Lord of Norwich and Sir John Owen, who were reprieved; giving my Lord of Norwich his cane, and would have taken his leave there of me also, but I told him I would wait upon him to the scaffold, and, if I might be suffered, do him the best service I could, in assisting him in the last act of his tragedy. Then, before he went out of the room, turning him to the Lieutenant-Colonel and his soldiers (who were then and had been his guard during his imprisonment in St. James's house), 'Gentlemen,' said he, 'I do not only from my heart forgive you, but thank you all for the kindness and civility I have found from you, and, as I forgive you, so I forgive your officers also, even those who are the authors of my death; for I verily believe that none of them do what they do out of any malice at all to me, but because I stand in the way of something else they have to do, which they think I must and will oppose as long as I live to the utmost of my power.' Then

calling me to him and giving me his watch to keep for a remembrance of him, 'Doctor,' (said he,) 'I believe they will not suffer you to accompany and assist me on the scaffold; but I thank God the work in which I stood especially in need of your help is done; I heartily thank God and you for it. All that I shall desire of you more is to assist me with your prayers while I am alive, and to do the best you can to comfort my poor wife when I am dead, and in your prayers for me desire Almighty God to assist me with his grace that in the last act of my life I may so behave myself as becomes a good Christian dying in and for so good a cause as this is; and particularly that, for the manner of my death, it may be with an humble confidence in God's mercy and with a modest assurance of a better life; and lastly, that I may neither say nor do anything that may savour either of a base fear or of a vain ostentation.'

"When he had said this he was immediately conducted by the foresaid Lieutenant-Colonel and soldiers through Westminster Hall, and betwixt the guard of soldiers which stood all along and kept off the people which thronged to see him, and who, admiring the courage and constancy that appeared in his very countenance and mien itself, did generally commend and bless him, and prayed for him with loud exclamations as he went by them.

"I followed him as far as the foot of the scaffold, and would have gone up after him, but the Lieutenant-Colonel would not suffer me, though either of the other Lords had their divines there with them, but they were Presbyterians, and I was generally known to be a Royalist and Episcopal, which was the only reason I can imagine why they would not suffer me to appear before such a multitude of people as an assistant at such an action; unless it were, perhaps, that they would have the people believe that the Lord Capell died indeed resolutely like an old Roman,[1] but that the constancy and courage he showed at his death was but an effect of his natural temper and consti-

[1] See Whitelock's account of Lord Capell's execution, Mem. p. 378.

tution, and not of a Christian faith and hope, or of any sense of piety, as appeared by his refusing or not caring to have a divine with him at his death; which was most false; indeed, dying for loyalty, as he did, he would not, in the last act of his life, make use of any of those ministers whom he had reason to think had been the contrivers and plotters, or at least the promoters and abettors, of the most causeless and most horrid rebellion that ever had been in the world.

"When I saw I could be of no further use to him (he having embraced me and taken his last leave of me at the foot of the scaffold), I presently got myself out of the place, and out of the horror of that sight, which nothing but the consideration of doing him some service could have hired me to see.

"How he behaved himself afterwards upon the scaffold, both before and at his death, his best friends need desire no better testimony than that which was there given him by his enemies, who could not choose but admire and applaud that virtue of his, which their barbarous cruelty would not suffer the world to enjoy any longer.

"Thus died that truly noble, truly valiant, truly Christian, and every way most worthy and right honourable Lord Capell; a great example of virtue, piety, and loyalty in the midst of a most villanous, profane, and rebellious generation—a man whom the world never valued to his worth, until it grew to be unworthy of him.

"*Ita Testor.* GEORGE MORLEY.

"Though I writ this narrative while things were fresh in my memory, yet I omitted one thing worthy the taking notice of by posterity, viz., that a little before he went to the scaffold he told me that, if I thought there were nothing of vanity or of vain ostentation in it, he would give order that his heart should be taken out of his body and kept in a silver box until his Majesty that now is came home (as he doubted not he would), and then that it might be presented unto him, with his humble

desire that when the King his father was interred it might be buried at his feet, in testimony of the zeal he had for his service, and the affection he had for his person whilst he lived; which intention of his, being approved of by me, was afterwards put in execution, as far at least as it could be by him, or those whom he intrusted with it. For as soon as the King came home (whom I had told of it whilst he was abroad) I brought Sir Thomas Corbet[1] to him, and saw him give the silver box, with that generous and loyal heart in it, to the King's own hands: what is since become of it I know not."

On the very day of his execution Lord Capell addressed two letters to his wife. In both is evinced the spirit of unselfish tenderness so characteristic of his nature.

"MY DEAREST LIFE,

"My greatest care in relation to the world is for thy dear self; but I beseech thee, that, as thou hast never refused my advice hitherto, do thou now consummate all in this one. And indeed it is so important both for *thee*, *me*, and all *our children*, that I presume passion shall not overrule thy reason nor my request. I beseech thee again and again moderate thy apprehension and sorrows for me; and preserve thyself to the benefit of our dear children, whom God, out of his love to us in Christ Jesus, hath given us: and our dear Mall[1] (in the case she is in) and our comforts in that family depend entirely upon thy preservation. I pray remember that the occasion of my death

[1] Bishop Morley speaks of Sir Thomas Corbet as nephew to Lord Capell, but this must be an error. Lord Capell's aunt, Anne Capell, born 1595, married Sir John Corbet, Bart., of Spronston, in com. Norfolk, 1615. Sir Thomas Corbet was probably the son of this marriage, and therefore first-cousin to Lord Capell.

[2] Lord Capell's eldest daughter, Mary, born 1630, married Henry Lord Beauchamp, eldest son of William Seymour, Marquis of Hertford, June 20, 1648.

will give thee more cause to celebrate my memory with praise, rather than to consider it with sadness. God hath commanded my obedience to the fifth commandment; and for acting that duty I am condemned. God multiply all comforts to thee. I shall leave thee my dear children; in them I live with thee, and leave thee to the protection of a most gracious God, and I rest

"Thy," &c.

The following letter was also written to his wife on the same day he suffered:—

"MY DEAREST LIFE,

"My eternal life is in Christ Jesus. My worldly considerations in the highest degree thou hast deserved. Let me live long here in thy dear memory, to the comfort of my family, our dear children, whom God out of mercy in Christ hath bestowed upon us. I beseech thee, take care of thy health. Sorrow not *unsoberly*, *unusually*. God be unto thee better than an husband, and to my children better than a father. I am sure He is able to be so; I am confident He is graciously pleased to be so. God be with thee, my most virtuous wife. God multiply many comforts to thee and my children, is the fervent prayer of

"Thy," &c.[1]

Lord Clarendon says that "as soon as Lord Capell "had ascended the scaffold he looked very vigorously "about, and asked 'whether the other Lords had "spoken to the people with their hats on?' and being "told that 'they were bare,' he gave his hat to his "servant, and then with a clear and strong voice he "said that he was brought thither to die for doing "that which he could not repent of: that he had been

[1] See Letters written to different Persons, by Arthur Lord Capell, Baron of Hadham. Printed 1683.

"born and bred under the government of a King whom "he was bound in conscience to obey; under laws to "which he had been always obedient; and in the "bosom of a Church which he thought the best in the "world: that he had never violated his faith to either "of those, and was now condemned to die against all the "laws of the land; to which sentence he did submit. "He enlarged himself in commending the great virtue "and piety of the King whom they had put to death, "who was so just and so merciful a Prince, and prayed "to God 'to forgive the nation that innocent blood.' "Then he recommended to them the present King; "'who,' he told them, 'was their true and their lawful "sovereign, and was worthy to be so: that he had had "the honour to be some years near his person, and there-"fore he could not but know him well,' and assured "them 'that he was a Prince of great understanding, "of an excellent nature, of great courage, an entire "lover of justice, and of exemplary piety; that he was "not to be shaken in his religion, and had all those "princely virtues which could make a nation happy;' "and he therefore advised them 'to submit to his go-"vernment as the only means to preserve themselves, "their posterity, and the Protestant religion.'"[1] There is another and more detailed account of Lord Capell's last moments on the scaffold, which tallies still more exactly with the intentions he professed to Dr. Morley than as reported by Lord Clarendon:[2]—

[1] Hist. of the Rebellion, vol. vi. p. 263.

[2] Vide 'The Several Speeches of Duke Hamilton, Earl of Cambridge, Henry Earl of Holland, and Arthur Lord Capell, upon the Scaffold, immediately before their Execution, on Friday, the 9th of March. Also

"On his way to the scaffold he put off his hat to the "people on both sides, looking very austerely about "him; and being come upon the scaffold, Lieutenant-"Colonel Beecher said to him

"'Is your chaplain here?'

"*Lord Capell.* 'No. I have taken my leave of him;' "and perceiving some of his servants to weep, he said, "'Gentlemen, refrain yourselves, refrain yourselves;' "and turning to Colonel Beecher, he said, 'What? "did the Lords speak with their hats off or no?'

"*Col. B.* 'With their hats off.'

"And then coming to the front of the scaffold he "said, 'I shall hardly be understood here, I think;' "and then began his speech as followeth:—

"*Lord Capell.* 'The conclusion that I made with "those who sent me hither, and are the cause of this "violent death of mine, shall be the beginning of what "I shall say to you. When I made an address to "them (which was the last) I told them with much "sincerity that I would pray to the God of all mercies "that they might be partakers of his inestimable and "boundless mercies in Jesus Christ; and truly I still "pray that prayer, and I beseech the God of Heaven "forgive any injury they have done to me; from my "soul I wish it. And truly, this I tell you as a "Christian, to let you see I am a Christian.

"'But it is necessary I should tell you somewhat "more—that I am a *Protestant*; and truly I am a

the Several Exhortations and Conferences with them upon the Scaffold by Dr. Sibbald, Mr. Bolton, and Mr. Hodges. Published by Special Authority. London, 1649.'

" Protestant, and very much in love with the profession " of it, after the manner as it was established in Eng- " land by the Thirty-nine Articles; a blessed way of " profession, and such an one as truly I never knew " none so good.

" ' I am so far from being a Papist, which somebody " have (truly) very unworthily at some time charged " me withal, that truly I profess to you, that though I " love good works, and commend good works, yet I " hold they have nothing at all to do in the matter of " salvation. My anchor-hold is this: *That Christ loved " me, and gave himself for me.* That is that that I rest " upon.

" ' And truly something I shall say to you as a " citizen of the whole world; and in that consideration " I am here condemned to die, truly contrary to the " law that governs all the world, that is, " the law of " the sword." I had the protection of that for my life, " and the honour of it; but truly I will not trouble " you much with that, because in another place I have " spoken very largely and liberally about it. I believe " you will hear by other means what arguments I used " in that case. But truly that, that is stranger, you " that are Englishmen behold here an Englishman here " before you, and acknowledged a Peer, not condemned " to die by any law of England—not by any law of " England—nay, shall I tell you more? (which is " strangest of all) contrary to all the laws of England " that I know of. And truly I will tell you, in the " matter of the civil part of my death and the cause " that I have maintained, I die (I take it) for maintain-

" ing the fifth commandment, enjoined by God himself, " which enjoins reverence and obedience to parents. All " divines, on all hands, though they contradict one ano- " ther in many several opinions, yet all divines, on all " hands, do acknowledge that here is intended magis- " tracy and order; and certainly I have obeyed that " magistracy and that order under which I have lived, " which I was bound to obey. And truly I do say " very confidently that I do die here for keeping, for " obeying that fifth commandment, given by God himself " and written with his own finger.' "

Lord Capell felt his own condemnation to be a violation of justice; and his thoughts turning inwardly to examine the actions of his life, the recollection that he had himself once taken part in a measure where law and precedent were exchanged for the principle of " stone dead has no fellow" became to him a subject of self-accusation and reproach, and he thus continued his speech :—

" ' And now, gentlemen, I will take this opportunity " to tell you that I cannot imitate a better nor a greater " ingenuity than his that said of himself, for suffering " an unjust judgment upon another, himself was brought " to suffer by an unjust judgment. Truly, gentlemen, " that God may be glorified, that all men that are con- " cerned in it may take the occasion of it of humble " repentance to God Almighty for it, I do here profess " to you that I did give my vote to that bill against " the Earl of Strafford.[1] I doubt not but God Almighty

[1] Lord Capell's regret at having sanctioned by his vote the irregular proceedings against Lord Strafford in no way affects his opinion as to his guilt or innocence.

" hath washed that away with a more precious blood, " the blood of his own Son and my dear Saviour Jesus " Christ; and I hope he will wash it away from all " those that are guilty of it. Truly this I may say, I " had not the least part nor degree of malice in doing " of it. But I must confess again to God's glory, and " the accusation of mine own frailty, and the frailty of " my nature, that truly it was unworthy cowardice not " to resist so great a torrent as carried that business at " that time. And truly, this I think I am most guilty " of, of not courage enough in it; but malice I had " none. But whatsoever it was, God, I am sure, hath " pardoned it, hath given me the assurance of it, that " Christ Jesus his blood hath washed it away. And " truly I do from my soul wish that all men that have " any stain by it may seriously repent, and receive a " remission and pardon from God for it.' "

Lord Capell then spoke of the virtues of the late King, and " of our King that now is, his son," much in the words ascribed to him by Lord Clarendon. His speech concluded with the most earnest prayers for his King and his country and renewed supplications for God's mercy and forgiveness of his enemies. " Truly," said he, " I like my beginning so well that I will make " my conclusion with it; that is, that God Almighty " would confer of his infinite and inestimable grace and " mercy to those that are the causers of my coming " hither; I pray God give them as much mercy as " their hearts can wish; and truly, for my part, I will " not accuse any one of them of malice; truly I will not. " Nay, I will not think there was any malice in them;

"what other ends there is I know not, nor will I ex-
"amine; but let it be what it will, from my soul I for-
"give them every one.

"And so the Lord of Heaven bless you all; God
"Almighty be infinite in goodness and mercy to you,
"and direct you in those ways of obedience to his com-
"mands to his Majesty, that this kingdom may be an
"happy and glorious nation again, and that your King
"may be an happy King in so good and so obedient
"people. God Almighty keep you all; God Almighty
"preserve this kingdom; God Almighty preserve you
"all!"

Then inquiring for the executioner (who had gone off the scaffold), he spoke to him with kindness, saying, "I forgive thee from my soul, and not only "forgive thee, but I shall pray to God to give thee all "grace for a better life." Then, giving him 5*l.*, with the promise that if anything more were due to him he should be fully recompensed, he requested his clothes might not be touched,[1] and that none should take

[1] In a work entitled 'An Exact and most Impartial Account of the Indictment, Arraignment, Trial, and Judgment (according to law) of Twenty-nine Regicides, &c., 1660,' one William Hulett, alias Howlett, is stated to have been tried and convicted as the King's executioner. One of the witnesses on behalf of Hulett, though not to be admitted on oath against the King, deposed that the executioner was Richard Brandon, the common hangman; and one William Cox gave the following evidence in support of that fact:—"When my Lord Capell, Duke Hamilton, and the "Earl of Holland were beheaded in the Palace Yard in Westminster, my "Lord Capell asked the common hangman, said he, 'Did you cut off my "master's head?' 'Yes,' said he. 'Where is the instrument that did "it?' He then brought the axe. 'Is this the same axe, are you sure?' "said my Lord. 'Yes, my Lord,' saith the hangman; 'I am very sure "it is the same.' My Lord Capell took the axe and kissed it, and gave "him five pieces of gold. I heard him say, 'Sirrah, wert thou not

notice of his body but his own servants. He notified the sign he should make when he wished the executioner to strike; and afterwards, turning to one of his servants, he said, "Baldwin, I cannot see anything that "belongs to my wife, but I must desire thee and be- "seech her to trust wholly upon Jesus Christ, to be "contented and fully satisfied;" and then, speaking to his servants, he said, "God keep you; and, gentle- "men, let me now do a business quickly, privately; "and pray let me have your prayers at the moment "of death that God would receive my soul." With the utmost composure he adjusted his hair under his cap; then, turning to the executioner, told him he had from his soul forgiven him, and that he must strike boldly. He advanced to the front of the scaffold, and asked of all present to join in prayer with him that God would mercifully receive his soul, and that for His alone mercies in Christ Jesus. His last words, as he stood lifting up his hands and eyes, were, "O God! I do, "with a perfect and willing heart, submit to thy will. "O God, I most willingly humble myself." Then, kneeling down to try the position in which he was to place himself, he laid his head over the block, asking the executioner "Am I well now?" and raised his right hand, as the signal agreed on for the fatal stroke,

"afraid?' Saith the hangman, 'They made me cut it off, and I had 30*l.* "for my pains.' "—Quoted in 'Notes and Queries,' vol. ii. p. 158. Besides the extreme improbability of this statement, which was made for a particular purpose, and which might be said to carry with it its own refutation, it is wholly inconsistent with the detailed account, published by authority in 1649, of what passed on the scaffold, and with the words addressed to the executioner himself.

"which," says Lord Clarendon, "deprived the nation "of the noblest champion it had."[1] The head was severed at one blow, and placed by his own servants with the body in a coffin.[2] His heart was enclosed, according to his own wish, in a silver box, with the intention of its being buried and placed at his royal master's feet—a fit emblem in death of the devotion with which that loyal heart had beat in life. The expected funeral rite never took place which would have enabled this wish to be fulfilled.

The devotion of Lord Capell to Charles personally must naturally appear enthusiastic even to exaggeration to those who, coolly reflecting on the character of that monarch, can now fully appreciate his many faults and defects, and the relation they bore upon the disasters of his reign; but that devotion was no less the growth of circumstances than of principle and of feeling. It was not only gratitude for the confidence he had enjoyed in his sovereign's counsels, or pride in the consciousness that his services were appreciated and his person esteemed; it was not only from the well-deserved approbation of many qualities and virtues in the King

[1] Clarendon's 'Hist. of the Rebellion,' vol. vi. p. 264. For Whitelock's account of Lord Capell's execution, vide Appendix Q Q.

[2] It is to be hoped, for the sake of humanity, that the following anecdote may, though printed so near the time, not rest on sufficient evidence to be accepted as a certain fact:—"Be it known, too, that when the three Lords "were murther'd upon that stage of tyranny, Cromwell, Bosvile, and "divers others of the savage crew, stood in a room belonging to the Star "Chamber, scoffing and triumphing in the ruine of the nobility, and made "use of perspective glasses, that they might feed their eyes with those "bloody spectacles." Satia te sanguine Cromwell.—'Digitus Dei; or, God's Justice upon Treachery and Treason, &c., exemplified in the Life and Death of the late James Duke of Hamilton.' Printed at London 1649. Bound Pamphlets, 1641-1663, vol. iv. p. 28.

which shone in contrast to those who had preceded him on the throne; or from that well-earned admiration which even his enemies could not withhold to the courage and constancy, patience and forbearance with which he met misfortune and endured suffering; it was not only from the sympathy of a pitying heart, that invested its object with imaginary perfections, or swelled into disproportionate greatness the merits of one overwhelmed with misfortunes; it was not only the repugnance of a just mind to the thoughts of those scenes in which law had ceded to force, and by which a man innocent of the crimes he was accused of was brought to the scaffold; it was not only from that chivalrous spirit which draws the sword in defence of the fallen, or that feudal loyalty which taught men to look upon their sovereign as the liege lord to whose service fidelity was a duty, not an opinion; it was from none of these causes and considerations singly; but it was from their combination. It was their combination that kindled the zeal and warmed the hearts of those who willingly sacrificed their lives and their fortunes in defence of their King, and lent the aid of personal affection to the sacred reverence in which the kingly office was then held.

The King was regarded as the Lord's anointed and the father of his people. To him, therefore, reverence was due, as to a divine institution, and honour and obedience as to a parent; nor was the belief of special interposition in the appointment of rulers by any means confined at this time to the Royalists; the pretensions of the opposite party to govern the nation being also

founded and supported by the constant declaration that *they* were "the chosen servants of the Lord."

The pretension to divine right in kings has now given way to the more reasonable and enlightened belief that neither the King nor his office are more the objects of divine interference than any other person or institution on earth, and that the choice of the form of government to which he will submit is as much within the exercise of man's free-will as any other act he is permitted to perform in life.

But whilst historians and philosophers may now calmly consider the abstract question of the subject's right to inflict capital punishment on the sovereign, and may discuss the amount of guilt that attaches to the regicide, yet, in order to fully appreciate the feelings of the honest and zealous Royalist of that day, it must be remembered that not only did he utterly repudiate the right of the subject to put the sovereign on his trial, but that he viewed the execution as a double crime, from which he recoiled with all the horror due to the wickedness of parricide and the impiety of sacrilege. The character of Lord Capell, drawn by Lord Clarendon, strongly marks the friendship that subsisted between them, and is fully borne out by all that is known of his conduct and career. "He was a man," he says, "in "whom the malice of his enemies could discover very "few faults, and whom his friends could not wish better "accomplished; whom Cromwell's own character well "described, and who indeed would never have been "contented to have lived under that Government. His "memory all men loved and reverenced, though few

"followed his example. He had always lived in a "state of great plenty and general estimation, having a "very noble fortune of his own by descent, and a fair "addition to it by his marriage with an excellent wife, "a lady of very worthy extraction, of great virtue and "beauty, by whom he had a numerous issue of both "sexes, in which he took great joy and comfort, so that "no man was more happy in all his domestic affairs; "and he was so much the more happy in that he "thought himself most blessed in them.

"And yet the King's honour was no sooner vio- "lated and his just power invaded, than he threw all "those blessings behind him, and, having no other "obligations to the Crown than those which his own "honour and conscience suggested to him, he frankly "engaged his person and his fortune from the be- "ginning of the troubles, as many others did, in "all actions and enterprises of the greatest hazard "and danger, and continued to the end without ever "making one false step, as few others did; though he "had once, by the iniquity of a faction that then "prevailed, an indignity put upon him that might "have excused him for some remission of his former "warmth."

It seems by this allusion that Lord Capell's loyalty had not been without the trial of some personal injustice which might have cooled the ardour of his service. Lord Clarendon makes no definite statement of the nature of the affront; he probably alluded to the time of his recall from the command at Shrewsbury. This circumstance affords another instance of the facility

with which Charles could be led to mistrust or disregard his best friends, and of the steadiness of Lord Capell's principles and loyalty that remained unshaken by personal slights. "It made no other impression upon him "than to be quiet and contented whilst they would let "him alone, and with the same cheerfulness to obey "the first summons when he was called out, which was "quickly after."

Lord Clarendon's conclusion needs no comment nor admits of any addition. "He was a man that, whoever "shall after him deserve best of the English nation, he "can never think himself undervalued when he shall "hear that his courage, virtue, and fidelity is laid in the "balance with and compared to that of Lord Capell."

Voltaire, in his 'Essai sur les Mœurs,' has remarked that a greater number of illustrious heads have fallen on the scaffold in England than in all the rest of Europe taken together. "It was" (he says) "the character of "that nation to commit murders with the forms of "judicial procedure."[1] Such observations on the preeminence of England in sanguinary and unnecessary executions fall strangely on the ear of those who have lived since the prolonged reign of terror that was experienced in France towards the end of the last century. The truth of his remarks should, of course, only be tested by a comparison of such events in England with those of other countries as had occurred prior to the time at

[1] "Il y a eu des temps sanguinaires chez tous les peuples; mais chez le "peuple Anglais plus de têtes illustres ont été portées sur l'échafaud que "dans tout le reste de l'Europe ensemble. Ce fut le caractère de cette "nation de commettre des meurtres juridiquement."—c. 167.

which Voltaire wrote; but the justice and wisdom of a sarcasm, directed against the habits of a country whose respect for legal forms had accustomed the people to endure that check on popular fury and to impose that restraint on the too cruel or too arbitrary exercise of power, needs no such limitation in being considered or appreciated.

Every Englishman who studies the history of his own country will, doubtless, find but too many occasions to mourn over the mistaken views of government that led to the frequent impeachments for high treason and the capital punishments that followed on political offences. Nor can he in candour deny the reproach that many whose names are now held in honour for their courage, their constancy, their wisdom, and their learning, were cut off from the service of their country—perhaps of mankind—by the hand of the executioner. Still it was the arm of the law that moved that hand; and no lessons for private assassinations were taught, no excuse for indiscriminate massacres were to be gathered from the process of legal investigation and deliberate punishment. There is ample cause to lament that the early periods of English history are tainted with the same spirit of religious intolerance that pervaded all other countries, and are clouded with the civil discords that arise from ill-defined laws of succession. The persecution of the Lollards, the wars of the Roses, the rapacity of Henry VII., the arbitrary caprices of his successor, the dark bigotry of Mary, the jealous alarms of the first Stuart, the stern fanaticism of the Puritans, and the hard narrow policy of James, have all, in their turn,

tended to swell the number of those illustrious victims whom Voltaire describes it as the genius of the English people to murder judicially.[1]

But the reader of English history will look in vain for a parallel to the third crusade, when Louis VIII. of France led forth his armies on a religious war against the Albigenses, who were his fellow Christians and the subjects of a tributary Prince;[2] the abolition of the Templars in France, when Jacques Molay and fifty-nine knights were burnt alive together by order of Philip the Fair; the rural insurrections in the reign of John the Good, well known by the name of Jacquerie; the persecution of the Anabaptists of Germany in the sixteenth century, accompanied with the most savage barbarities; the cruelties of the Duke of Alva in the Low Countries, in the reign of Philip II. of Spain; the assassination of Coligny, and the wholesale massacre of St. Bartholomew that disgraced the reign of Charles IX.; the assassination of the Duke de Guise and his brother the Cardinal, undertaken by order of Henry III., and executed almost in his sight, by forty-five gentlemen eager to assume the murderous task proposed to them by their King; the expulsion of the Moriscoes from Spain in the reign of Philip III.; the horrors of the thirty years' war—a war of desolation to the country, and of almost extermination to the inhabitants of every part of Germany that fell under its

[1] Voltaire's observations could only refer to England; and being wholly inapplicable to Scotland or to Ireland, it is unnecessary to allude to those portions of the now United Kingdom.

[2] Cromwell's conduct in Ireland perhaps the nearest resembles the events of these more barbarous times.

influence; the inhuman massacre of his own Protestant subjects by the Duke of Savoy in the middle of the seventeenth century;[1] the revocation of the Edict of Nantes, that with its sanctioned cruelties, licence, and dragonnades, closed the seventeenth century, by setting an example for the more infuriated excesses which, led by France, disgraced half Europe at the close of the eighteenth.

It would be too long and too arduous a task here to attempt to analyze the various causes that have contributed to this comparative exemption in England from acts of cruelty on so large a scale, or in so savage a spirit; but, if any one cause has predominated over others in producing this result, it has been that national submission to legal restraint which has induced even arbitrary power and popular fury to endure the law's delay in performing its will or inflicting its vengeance.

[1] Milton's invocation of Divine vengeance for the slaughtered Vaudois has given a classical interest to this atrocious act of cruelty:—

"*On the late Massacre in Piedmont.*

"Avenge, O Lord, thy slaughter'd saints, whose bones
Lie scatter'd on the Alpine mountains cold;
Even them who kept thy truth so pure of old,
When all our fathers worshipp'd stocks and stones,
Forget not: in thy book record their groans
Who were thy sheep, and in their ancient fold
Slain by the bloody Piedmontese that roll'd
Mother with infant down the rocks. Their moans
The vales redoubled to the hills, and they
To Heaven. Their martyr'd blood and ashes sow
O'er all the Italian fields, where still doth sway
The triple tyrant; that from these may grow
A hundredfold, who, having learn'd thy way
Early, may fly the Babylonian woe."

The portion of English history most frequently compared with that of France has been the war between Charles and the Parliament, and the French Revolution about 150 years later. In both countries there was resistance to authority, in both countries the sovereign was brought to the scaffold, and in each a military despotism was afterwards established by a powerful and successful General. But the resemblance goes no further than in these few leading facts, lying, as it were, on the surface; the grievances that provoked resistance were dissimilar,—still more different were the objects for which the people of each country strove, and the mode in which redress was sought.

In France it was a revolution of vengeance and destruction—a revolution that was to blot out the whole history of Christian civilization, and recur to Pagan Rome for example in government and morals: in England it was a struggle to define and purify an established constitutional government, to which all parties professed equal attachment. In France the iron grasp of military power rescued the country from anarchy: in England that ascendancy of military government which naturally arises when the cause of civil rights is to be determined by arms, subverted the constitution for which the country had shed some of its best blood.

But it is not the causes and objects of a revolution that alone display the influence of institutions on the habits of a nation; that influence is still more strongly felt by its conduct when roused to the highest pitch of

popular excitement. Habit and customs maintain their power when the wonted authority of Government has been shaken; and at no period will the value of habitual deference to the forms of law and legislation be so well appreciated as when they have served to check the dangerous course of a people set free from the restraints of ordinary duties and occupations, and fired with the ambition of acquiring new power.

It was in the time of civil war that England was saved by her habit of legality—that habit which Voltaire intended to satirise—from the wholesale slaughter which has left on his own country the indelible stain of terrible and needless bloodshed.

Even in the most oppressive government no written laws were ever so sanguinary in their avowed intention as in their evasion or defiance. Legislators have little inclination to be cruel in theory, and in cold blood to reduce into the form of laws those maxims by which they may often have been guided or hurried into action; they naturally shrink from exposing to their subjects or to the civilized world a code that would be repugnant to humanity. The worst laws that could be framed for a civilized community are sure to be just and humane, compared with the actions of Governments throwing off all restraints, or with the lawless deeds perpetrated by an excited populace. However melancholy may be the reflection that in particular instances the law has been so misapplied, or mercy so overruled, as to have occasioned or permitted the unjust execution of some few whose lives should have been held sacred, yet the

habit of referring to legal forms and Parliamentary usage saved England, even when her Government was unsettled, from any great excesses of cruelty and licence.

It is happily not by the standard of other countries that the faults and merits of this portion of English history is to be tested,—it is not in the system of terror, which created new names and modes of murder, that the events of this civil war in England are to be compared. Outrages so humiliating to human nature as the noyades, the fusillades, the proscriptions, the frequent seizure of members of the Assembly, who immediately paid the forfeit of their lives for the expression of an opinion which had ceased to be popular, the murder of prisoners in their places of confinement, the deaths by the guillotine that savoured more of indiscriminate massacre than of legal execution, had found no precedent in England. In the war between Charles and the Parliament she had remained free from that moral insanity which afterwards divided a people 150 years older in civilization, and pre-eminent in refinement and luxury, into instruments of destruction, or victims to be destroyed.

But whilst England stands free from the crimes of frantic violence, so also must her conduct be judged without the excuse of that national excitement which rose to delirium. The actions of each contending party must be regarded as those of deliberation; their virtue must be tried by the principles by which civilized nations profess to be guided; their wisdom and merits must be judged by their fitness to the end proposed; with rival standards and hostile armies in the field, each

party declared their intention to maintain the monarch on his throne, and to secure to Parliament the free exercise of their privileges. So far as either departed from the avowed spirit of their intentions, they are open on that point to the charge of insincerity in their declarations, or of aggressions in power. When hostilities commenced, the rules of war were professed to be maintained; any departure from their observance must therefore be regarded as a breach of faith.

The erection of the new High Courts of Justice was a tribute to the feelings and principles of the country at large; the people would never have borne the execution of either the King or of those few Royalists who perished on the scaffold for their adherence to his cause, had they not believed their condemnation carried with it the sanction of a trial by law. On these High Courts of Justice rests the responsibility of having perverted the law, or timidly yielded to the pressure of the military power, which had then virtually assumed the direction of affairs. In palliation of the conduct of the second High Court, erected for the trial of Lord Capell, Lord Norwich, and others, it must be remembered that, if from policy or want of courage they condemned the prisoners, there remained enough of mercy or of conscience to refer their judgment back again to Parliament. By this act the lives of some were spared; the execution of the others is mainly attributable to the extraordinary influence then exercised by one man over all that remained of government in the country, either civil or military.

The brilliant success of Cromwell as a general, the

prosperity of the country under his rule, the respect he commanded for England abroad, the remarkable vigour of his mind, his undaunted determination of purpose, his skill in adapting each event as it rose to the fulfilment of his ends, the tincture of fanaticism which, whether simulated or real, increased his fitness to govern at a time when the mild virtues of the Christian revelation had been obscured by a constant recurrence and imitation of the more warlike dispensation of the Jews, the constant doubt that accompanies the consideration of his character as to the line which should be drawn between genuine enthusiasm and artful hypocrisy—have all tended to give a glory and an interest to his name and to his rule in England that has with some wiped out the recollection of the events which accompanied his rise.

But whatever may be the services which entitle him to the gratitude of his country, and have gained him the admiration of posterity, he has left upon the close of the civil war the stain of unjust judgment,—the uncalled-for, unmerited, and unmerciful condemnation of Lord Capell, whom, of all others, Cromwell as a soldier should have protected, when fair quarter for life had been granted him on the field.

CHAPTER XI.

Epitaphs on Lord Capell — Disposition of Lord Capell's Heart — Lord Capell's Contemplations — His Reflections on the Death of the King — Verses attributed to him — Lady Capell's subsequent Life — Children of Lord and Lady Capell — Portraits of Lord Capell.

LORD CAPELL's death appears to have been the subject of various epitaphs. Amongst others, the following quaint acrostic by Quarles was published in 1649:[1]—

AN EPITAPH UPON THE RIGHT HONOURABLE.

A tower is fallen, and it lies
R epresented to thy eyes;
T herefore, reader, if thy breath
H ad an interest in his death,
U nfix thy thoughts and post away;
R eason forbids a tyrant's stay.

L avish out your hearty cries,
O pen wide your flowing eyes;
R ecord his worth, and let all hearts
D ote upon his living parts!

C an any think upon his name
A nd not labour to proclaim
P érpetual praises to his worth,
E ngaging hearts to set him forth?
L et all men say—and not repent—
L o, here lies murther's complement!

Dignum laude virum musa vetat mori.

[1] Regale Lectum Miseriæ, p. 103.

At the end of Lord Capell's 'Excellent Contemplations' are printed two more epitaphs 'Upon the Suffering of this Courageous and Noble Lord:'—

EPITAPH ON THE LORD CAPELL.

Here virtue, valour, charity, and all
Those rare endowments we celestial call,
Secluded are. Nor wonder at the story—
Capell lies here—loyalty's chiefest glory [1]

ANOTHER.

Disturb me not! my soul is mounting high
To pyramid great Capell's memory.
I'll range my thoughts; it is a world that shall
Be ruled by Capell's echo: hallow all,
Ye sacred muses, and conspire to bring
Materials for this work; and learn to sing;
For, should you weep, your eyes might undertake
To drown the world which I intend to make.
Forbear, your tears are useless! You must now
Gaze upon earth with an undaunted brow.
Capell hath taught us how to entertain
The pallid looks of fate; by him we gain
The art of dying, and from him we have
The definition of a deathless grave.
Rare soul! I say thy ever active fame
Shall build a world unto thy pregnant name;
And every letter of thy stem shall raise
A spacious kingdom, where thy ample praise
Shall be recorded—every list'ning ear
Shall prove ambitious, be entranced to hear.
'Twill be a glory, when the world shall say—
'Twas bravely done! his Sovereign led the way,
And he, as valiant soldiers ought to do,
March'd boldly after, and was always true
To sacred majesty! his hero'd breath
Disdain'd to fear—he rather courted—death.

[1] Sheppard's Epigrams, p. 94.

Death added life unto his thoughts, for he
Contemn'd a death he bought with victory!
The very birds shall learn to prate and sing
How Capell suffer'd for his royal king![1]

Again, in a poem entitled 'Vaticinium Votivum,' appear the following lines:—

OBSEQUIES ON THAT UNEXEMPLAR CHAMPION OF CHIVALRY, AND PATTERN OF TRUE PROWESS, ARTHUR LORD CAPELL.

The scaffold turn'd a stage, where, 'tis confess'd,
The last act, though most bloody, proved thy best:
It proved thy solemn coronation, since
The yard's thy palace, and a glorious prince
Thy president, who after him art hurl'd,
To meet thy sovereign in another world;
Transferr'd from earth to heaven, to remain
A fixed star, and wait on Charles his wain.[2]

It is mentioned by Fuller, that one, "not unhappily "alluding to Lord Capell's arms (a lion rampant in a "field gules betwixt three crosses), thus expresseth him-"self:—

Thus lion-like Capell undaunted stood,
Beset with crosses, in a field of blood.

"A learned doctor in physic (present at the opening "and embalming of him and Duke Hambleton) delivered "it at a public lecture that the Lord Capell's was the "*least heart* (whilst the Duke's was the greatest) he ever "beheld. Which also is very proportionable to the ob-"servation in philosophy, that the spirits contracted in a "lesser model are the cause of the greater courage."[3]

[1] Printed at the end of the 'Excellent Contemplations, Divine and Moral.' Published 1683.

[2] Vide poem in 'Vaticinium Votivum.'

[3] Fuller's 'Worthies of England,' Hertfordshire, p. 28.

The subsequent history of that heart, which Bishop Morley mentions as having been placed by Sir Thomas Corbett in the hands of Charles II., and which was never destined to occupy the place to which it was assigned by Lord Capell, is as follows:—

The silver box which contained the heart was enclosed in another box with two locks, and given into the hands of Lord Beauchamp, son-in-law to Lord Capell, who had the keeping of one key, and Sir Thomas Corbett of the other. Lord Beauchamp, on his death-bed[1] delivered the box to Sir Thomas, who again, upon his death-bed, delivered it to the Earl of Essex. The box was laid by in the Evidence-room at Hadham, where it remained till after the Earl of Essex's death. It was then found by the steward of the late Earl. His Lordship, not knowing what it contained, inquired of his mother,[2] and from her he learnt what were its contents, and the box was removed to the family vault at Hadham.[3] A more detailed account of what passed respecting the discovery and interment of Lord Capell's heart was given by the Rev. Anthony Hamilton, F.R.S., V.P.S.A., in a paper dated May 28, 1804, and printed in the 'Archæologia' (vol. xv. p. 300). Dr. Stanley, Dean of St. Asaph, possessed the rectory of Hadham, Herts, from 1690 to 1722, when he resigned it to his second son, Francis, the immediate predecessor of Dr. Hamilton. "Dean Stanley had, in the early part "of his life, been chaplain to the Earl of Essex, and

[1] Lord Beauchamp died anno 1656, aged twenty-eight years.

[2] The wife of Arthur Capell, first Earl of Essex, and mother of Algernon, second Earl, was Elizabeth, daughter of Algernon Percy Earl of Northumberland.

[3] MS. account in the possession of Lord Essex.

"during his whole life was very much in the confidence "of the family. In 1703, when the family removed "from Hadham Hall to settle at Cashiobury, near "Watford, Herts," the Dean was desired by the Earl of Essex[1] of that time to take the care of the Charter-room and whatever was contained in it. In the "exe-"cution of that office he discovered, in a press in the "Charter-room, a silver cup and cover, closely locked "up, with a written account that it contained the heart "of Arthur Lord Capell." The discovery of the cup was instantly communicated by the Dean to the family, and he received directions that the cup, as it was found, should be carefully deposited in the family vault at Little Hadham; upon which the Dean represented to the family, that, as the sexton, and perhaps others, would know that a large silver cup was deposited in the vault, upon some future occasion of opening it the cup would probably be stolen. He recommended, therefore, that an iron box should be provided, which should give more security, and the silver box be sold and the money given to the poor of the parish, which was accordingly done; and the iron box is in the family vault, with the heart contained in it.

Lord Capell was buried in the church at Little Hadham. On the tomb is inscribed—

"Here under lyeth interred the body of Arthur Lord Capell, "Baron of Hadham, who was murdered for his loyalty to King "Charles 1st, March 9th, 1648."

It is probable this inscription was not written till after the Restoration, for such a testimony to the consequences

[1] Algernon, second Earl of Essex. He succeeded to the title on the death of his father in the Tower, 1683, and died January, 1709-10.

of his loyalty could hardly have been rendered, during the Protectorate, consistent with safety to his surviving family.

Lord Capell was the author of a work entitled 'Contemplations Divine and Moral,' and which were published after his death, in a quarto pamphlet, entitled 'Daily Observations, or Meditations Divine and Moral, 'written by a Person of Honour and Piety.' Likewise of some letters written to several persons whilst he was prisoner in the Tower, vigorously asserting the royal cause against its enemies.

A selection from these Meditations will be sufficient to show that the writer possessed both vigour of thought, acuteness in observation, and power of expression.

XVI.

I observe divers, who have many affairs, that by the infelicity of one are so distempered, that they lose all consideration to guide themselves in the rest. Nay, the loss of a trifle shall nullify all the contentments of millions of enjoyed blessings; like that master of a ship that should neglect the compass, mainmast, and stern of the ship, because some slight flag is lost.

XVIII.

Biting jests, the more truth they carry with them, the broader scarred memory they leave behind them. Many times they are like the wounds of chewed bullets, where the ruggedness causeth almost incurable hurts.

XIX.

I have seen many who have much laboured themselves to imitate other men's plausible humours. But it was seldom or never without a flatness, if not absurdity. For it rarely

happens that one man's clothes fit completely upon another; for all proportions seldom concur. Neither can any assume another's humour, but there will appear either some defect or redundancy, which will miss that natural evenness that renders men pleasant.

XXVIII.

Many entire friendships have been put out of joint by the decision of meum and tuum. And when both have casualties fallen beyond their expectation, yet both swell so big with inordinate desire of more, that it bursts all their former amity. And it is the hardest thing in the world to preserve and continue love with those friends that question it.

XXX.

In this tempestuous world no line holds the anchor of contentment so fast as a good conscience. Man's favour is but a fine thread that will scarcely hold one tug of a crafty talebearer. Honour slips the noose, when vulgar breath, wearied with constant virtue, is more affected to novelty. Riches are gnawn asunder by the greedy teeth of devouring leviathans, cruel tyrants. But this cable is so strong and well compact, that when force is offered to it the straining rather strengthens by uniting the parts more close.

XXXIII.

The wearied man desires the bed, the discontented man the grave; both would fain be at rest.

XXXIV.

Two sorts of enemies, most dangerous, and both inseparable from the miserable condition almost of all men, but altogether of men of great fortunes,—the flatterer, the liar; one strikes before, the other behind; both insensibly, both dangerously.

XXXVII.

In heat of argument men are commonly like those that are tied back to back, close joined, and yet they cannot see one another.

XLI.

It is humanity to use servants gently, and not slavishly; but on the other side, to give any one too much superiority is the way to discourage the rest, make him insolent, and yourself contemptible.

LI.

Expense is not the only thing that cracks men's estates, but the regardlessness of what and how we spend. For men of great fortunes I have seen enjoy no more, neither in substance nor show, than those of less who have sided with them in the same courses; yet the greater have perished, and the less held up. For the most provident may spend most.

LVII.

The true Christian man looks not backward but forward; not pharisaically prides himself to see those that are worse than himself, but encourageth himself to reach the perfection of the best; stands not still, like millposts, that rot in the places where they were set. All his life is a race, a progression.

LXIII.

There is much delight in the society of men of witty and pleasant discourse. But if they be not qualified with true honesty, we shall pay dear for our sport, if we entertain them into any strict familiarity.

LXVIII.

Wealth without friends is like life without health. The one an uncomfortable fortune, the other a miserable being.

LXXI.

Let our thoughts and actions towards God be pious, to our neighbour charitable, toward ourselves sober; and our present life will be peaceable, our memory praised, and our happiness eternal.

LXXV.

The idle man is more perplexed what to do than the laborious in doing what he ought.

LXXX.

Most men that affect sports account them a principal part of their life; and that I conceive to be the reason why they prosecute them with so much affection, and, if crossed in them, demonstrate too much passion. But to consider truly of them, they are but pastime, little removed from lost time. And if their insinuating delight to steal us from our more necessary occasions, yet it is absurd to suffer any perplexity for them when they fall out crossly, or to be dandled by them at their best.

LXXXVI.

Many who are dunces in their own professions will undertake to dispute like doctors in every other art. But I know not a greater probate of folly than this; for, besides that it manifests an unsettled mind to pursue such diversity, he cannot choose but betray his own ignorance in everything who is so ill skilled in his own art.

XC.

A wise man will not speak the truth at all times; nor an honest speak an untruth at any time.

XCV.

Obstinacy is advantage to our enemies, trouble to our friends, and the assured overthrow of ourselves.

XCVII.

It is frequent with many, upon every slight and trivial demand, to pawn their reputation; a most inconsiderate thing: for what is so often lent, and passeth so many hands upon every occasion, cannot but lose much of its lustre, and receive soil.

CII.

I will obey my parents, honour my superiors, love my equals, respect my inferiors; wife and children shall be dearer to me than myself. But none of all these, nay, nor all these, shall be prized by me like truth. Nay, what are all these if truth be wanting, which is the ligament that binds all these together?

CV.

As light not only discovers the gross substances of things, but their figures and colours, so wisdom not only perceives the actions themselves, but the affections with which, and intents to which, they were done.

CXVI.

Nothing more common and general than death; and yet, because it happens to particulars but once, and there is no knowing it twice, nothing more rare and strange. But since it is so certain, wise is the man that will not pretermit any occasion that may familiarise it to him; which will both take away the strangeness and mitigate the terror of it.

CXXXI.

A gentle acceptance of courtesies is as material to maintain friendly neighbourhood as bountiful presents.

CXXXVI.

The inconveniences of promises are so many and dangerous, that it were better to be liable to the censure of being of a tenacious disposition (which nevertheless one may by wisdom

avoid) than to be enthralled by fetters of our own making, whereby we are enforced many times to purchase our own liberty with the great discommodity of our own affairs; or else to break those shackles with that violence that our reputation must suffer sore bruises.

CXXXVII.

Eminent evils are by providence diverted, those that are fatal by patience endured, and all by wisdom profitably used.

CXXXVIII.

When the greatest, and those that should be the gravest, councils and courts in a commonwealth are ordered tumultuously and contentiously, it is an apparent symptom of a sick and languishing state. For when the chief, and those that are the first-moving wheels keep not true time, all the rest are misled.

CXXXIX.

Those that hastily censure other men's good or ill conduct of their affairs are commonly far off from the right judgment. For, though prosperous event be the happiness of endeavour, yet circumstances are considerable parts of every undertaking; and he that is ignorant of these barely and grossly knows the action, but not the nature of it. And especially those businesses which have many agents and patients cannot rightly be censured but by those that well understand the parties.

CLVI.

'Tis a great curse for a man to be given over to that blindness that he loves flatterers and hates friends.

CLXX.

Contentious persons are always busied in making nets for others. And it seldom fails but in some they are caught themselves; and then none more unskilful how to entangle [untangle ?] themselves.

CLXXXI.

It is incredible how much one unquiet perverse disposition distempers the peace, prosperity, and unity of a whole family or society. For they seldom stand alone; the matter, if they did so, were not great. But they having begun, then partaking and contrarieties arise; and the contagion spreads like a strong herb in pottage, every man's mess savours of it.

CCVI.

Unkindness among friends is like a brack in a garment, unless timely stopped ravels from top to bottom.

CCXXIV.

I would endeavour to strangle all ill conceits of a parent, even at their first beginning, though there were too much occasion for them; but to aggravate any upon never so just grounds is a degree of parricide.

CCXXV.

That religion which principally intends internal integrity, and is exercised with external decency, is far more holy than that which, by external glory and pomp, incites more ocular admiration than inward sanctity.

CCXXVI.

If I could I would labour, and, if not able to labour, the law of nature would allow me to beg; but rather than steal I would die.

CCXXVII.

A man may be a good practical moralist and no Christian, but a man cannot be a good Christian and an ill moralist.

CCXXVIII.

Those women that desire to marry such dolts as they hope to govern and rule as they list, are like those that spend all their lifetime in leading of the blind.

CCXXX.

The life of a little sick infant is as hazardous and hope-

less as the safety of a small bark in the sea, unbalanced and without a steersman. Every wave, though not rough, tosseth and endangereth the safety of it. So, these little ones wanting strength as the ballast, and reason as the steersman, by which they might either help themselves or direct others for their help, small infirmity dissolves them; but God manifests himself most where there are least natural means, and by his goodness they are preserved.

Lord Capell has left in some unpublished MSS.[1] some reflections 'On the Death of the King,' which appear to have been addressed to some real or imaginary person, and the concluding passages afford no bad specimen of the forcible and energetic language in which he clothed his strong feelings on the subject:—

"I have seene, reade, and observed the speech of your President Bradshaw: whether hee were the delieverer or mouth of others' conceptions or of his owne, or whether it were made upp since, it matters not, the matter of it is as pertinent to your pourpose as if the rodds and axes of the antient Roman state had beene carried before this vile fellow, or as if hee had given his ugly sentence with the Turkish tiara or turbant uppon his heade. What signifyes your Tribunes of Rome, your Ephori of Lacedemon, to our manner of administration? and what signifyes the temporary successful treasons in Spayne, France, Arragon, or England, and lastly of Scotlande, which, whether you memorated as a reproach or comendation of the nation, doth not yet appeare? this is comonly knowne, that that nation were the beginners of our troubles, and it is almost as comonly believed they were abused into it by bribes and a cunning Cardinall. Why did you not likewise speake of rebellious Sheba and cursing Shemei; of Spendious and Matho amongst the Car-

[1] In the possession of the Earl of Essex.

thaginians; of Sylla, Marius, Catiline, and Cæsar amongst the Romans; Cade and Tiler amongst us English men? Heere you might have fitted all turnes both against the Kinge and the Parlament; but know this, lett the attempts to subverte established rules be successfull or unsuccesfull, historifyed they are as beacons and marks to avoyde the rocks and sands that honor, duty, and conscience, indeede all the goods that humain nature is fraughted with, would otherways shipwrack themselves uppon. Remember that settled magistracyes are God's ordinances amongst men."

These reflections on the Death of the King were followed by the following pious meditations:[1]—

"God's secret will is unknown: whatsoever it be, his name be magnified. My duty is to walk by the revealed and acknowledged rules of his truth, and the received precepts of virtue; which though through my frailty I have not practised so well as I should, and as I wish I had, yet never shall the fear of death (by his divine and gracious assistance), no not in the ugliest shapes attired, daunt me from asserting them. I know my cause is good, and that my sufferings answer not the value and worthiness of it. I know that my Redeemer liveth that died for me. Most willingly I die for his truth, and for acting my duty to his servant, the King, whom he had placed here upon his terrestriall throne amongst us. I know and believe that to dye is gain, the gaining of an immortal and incorruptible life, with eternal felicity in the sight of God my Saviour and his blessed Angels. 'Bloody and deceiptfull men shall not live out halfe there days, but I will trust in thee' (55 Psal. ver. 23).

"My Saviour the cross sanctified,
My King the block hath dignified;

[1] In the original MSS. these Meditations form the concluding paragraph of the letter or essay 'On the King's Death,' but they are also printed at the end of the 'Contemplations Divine and Moral.'

• Crosses nor blocks I do not fear,
Sanctifi'd, dignifi'd, they are.
Gloria Deo in excelsis."

Lord Capell is the reputed author of some verses inserted in the 'Gentleman's Magazine' for 1757. The verses, having been ascribed to him in so popular a work, have obtained the reputation of being his composition, though the fact of their not being published in the collection of his meditations and letters, nor any trace to be found of poetical writings in his unpublished MSS. at Cassiobury, rendered the supposition of his being the author very improbable. They were printed with the following letter, announcing their authorship and the occasion of their composition:—

MR. URBAN,

The following stanzas were written by Lord Capell when he was a prisoner in the Tower during Cromwell's usurpation; they have much of original cast, and I believe have never been in print. If you will preserve them in your repository of literary curiosities you will oblige several of your readers, besides yours, &c. J. S.

Beat on, proud billows; Boreas, blow;
Swell, curled waves, high as Jove's roof;
Your incivilities do plainly shew
That innocence is tempest-proof.
Though surly Nereus frowns, my thoughts are calm;
Then strike, affliction, for thy wounds are balm.

That which the world miscalls a jail,
A private closet is to me;
Whilst a good conscience is my bail,
And innocence my liberty,
Locks, bars, and solitude, together met,
Make me no prisoner, but an anchoret.

Here sin, for want of food, must starve,
Where tempting objects are not seen;
And these strong walls do only serve
To keep rogues out, and keep me in.
Malice is now grown charitable, sure;
I'm not committed, but I'm kept secure.

And whilst I wish to be retired,
Into this private room I'm turn'd;
As if their wisdom had conspired,
The Salamander should be burn'd.
Or, like those Sophists who would drown a fish,
I am condemn'd to suffer what I wish.

The Cynic hugs his poverty,
The Pelican her wilderness,
And 'tis the *Indian's* pride to be
Naked on frozen *Caucasus.*
Contentment feels no smart; stoics, we see,
Make torments easy by their apathy.

I'm in this cabinet lock'd up,
Like some high-prized margarite;
Or like some great Mogul or Pope
I'm cloister'd up from public sight.
Retir'dness is a part of majesty,
And thus, proud Sultan, I'm as great as thee.

These manacles upon mine arm
I as my mistress' favours wear;
And for to keep mine ankles warm,
I have some iron shackles there.
These walls are but my garrison; this cell,
Which men call jail, doth prove my citadel.

Thus he that struck at *Jason's* life,
Thinking to make his purpose sure,
By a malicious friendly knife,
Did only wound him to his cure.
Malice, we see, wants wit; for what is meant
Mischief, oft times proves favour by th' event.

Altho' I cannot see my king,
Neither in person nor in coin,
Yet contemplation is a thing
That renders what I have not, mine.
My king from me no adamant can part,
Whom I do wear engraven in my heart.

Have you not heard the nightingale,
A pris'ner close kept in a cage,
How she doth chant her wonted tale
In that her narrow hermitage?
Ev'n that her melody doth plainly prove
Her boughs are trees, her cage a pleasant grove.

I am that bird which they combine
Thus to deprive of liberty;
And tho' my corpse they can confine,
Yet maugre that my soul is free.
Tho' I'm mew'd up, yet I can chirp and sing
Disgrace to rebels, glory to my king.

My soul is free as is th' ambient air
Which doth my outward parts include,
Whilst loyal thoughts do still repair,
To company my solitude.
What tho' they do with chains my body bind?
My king can only captivate my mind.[1]

[1] In some copies of this poem the following stanza is inserted between the seventh and eighth:—

"When

In Parker's edition of Walpole's 'Royal and Noble Authors'[1] appears a note which shows that the real writer of the verses in question was Roger L'Estrange:—

"This excellent old song (says Dr. Percy) is preserved in David Lloyd's Memoirs of those who suffered in the cause of Charles I.; and he speaks of it as the composition of a worthy personage who suffered deeply in those times, and was still living about 1668, with no other reward than the consciousness of having suffered. The author's name he has not mentioned, but, if tradition may be credited, this song was written by Sir Roger L'Estrange. (Reliques, vol. ii. p. 334.) In Harl. MS. 3511 (which MS. bears the autograph of Arthur Capell as its former possessor)[2] a copy of the above occurs, which is entitled 'Mr. Le Strange his Verses in the Prison at Linn;' so that Lord Capell's slight pretensions to the composition seem to be annihilated."

Lord Capell was one of the subscribers in money to the printing of Brian Walton's elaborate work, 'Biblia Polyglotta,' in which the sacred text was printed in

"When once my prince affliction hath,
Prosperity doth treason seem;
And for to smooth so rough a path
I can learn patience from him.
But now to suffer shows a legal part;
When kings want ease, subjects must learn to smart."

But this stanza utterly destroys the uniformity of the poem, and is inconsistent with every other part of it. The design of the whole is to represent as benefits what had by his enemies been intended as punishments, and to show "that malice wants wit to effect its purpose;" but this stanza contains an acknowledgment that malice has effected its purpose upon him; that he suffers; and that it is fit he should suffer. For this reason, and because it is not in all copies, it is omitted in this, either as composed by the author, and afterwards rejected, or as interpolated by some other.

[1] Vol. ii. p. 33.

[2] The book in which these verses are transcribed, and which is now at the British Museum, appears to have been a sort of album or scrap-book belonging to Lord Capell, in which he had written selections of poetry.

nine different languages, viz. Hebrew, Syriac, Chaldee, Samaritan, Arabic, Æthiopic, Persic, and Greek. The work was published in 6 vols. folio, but not till 1657, some years after the death of many of those who had contributed towards paying the expenses of its publication.[1]

Of the remainder of Lady Capell's life after the death of her husband history furnishes but very little account. Shortly after Lord Capell's execution she petitioned the House of Commons respecting the release of her property from sequestration. On the 18th of April, 1649, this petition was read and referred to the Committee of Complaints, and an order was issued to prevent the cutting down of any of the woods, either upon the lands of inheritance or the lands upon which that lady had a jointure. On the 7th of May the Committee reported a schedule of Lady Capell's property settled upon her for life, or coming to her by inheritance from her father, Sir Charles Moryson;[2] and it was at once resolved, "that the said several lands should be discharged from "sequestration according to her petition, and that the "said Lady Capell do enjoy them, and every of them, "accordingly."[3]

The conduct of Parliament on this subject shows that, whatever were the motives which actuated their conduct in confirming the sentence of death against Lord Capell, they were free from the blame of having acted in a spirit of persecution towards his unhappy widow.

[1] Fasti Oxonienses, vol. ii. p. 82.
[2] Appendix R R.
[3] Commons' Journals, vol. vi. p. 204.

On the 25th of July a petition from the young Lord Capell, respecting his property, was read,[1] and referred to the Trustees for the raising of 50,000*l.* for Ireland[2] out of the estate of the Lord Capell and others, that justice might be done to the petitioner.

It appears that "in June, 1652, Sir Edward Capell, "Sir Thomas Down, &c., as trustees of Lord Capell, "deceased, compounded for certain lands conveyed to "them for satisfying Lord Capell's debts, and paid "the fine, being 4706*l.* 17*s.* 11*d.*, at one entire payment."

Lord Capell's estate seems to have been wholly sequestered, and not compounded for during his lifetime. "The order for compounding and discharge of "the sequestration was dated 24 Sept. 1651."[3]

Lord Capell is said to have advanced to the King's service between 800 and 900 horse, and 12,000*l.* in money and plate.

Lady Capell outlived her husband eleven years, and died January the 20th, 1660. In a funeral sermon preached by the Rev. Edward Barker, who had been chaplain in Lady Capell's family, some little sketch of her life and character is given. She had been one of a large family, but, as they all died young, she remained the sole child of her parents. "This, "after she was grown up to age and stature fit and "proper for marriage, and onwards of her seventeenth "year, made them greatly solicitous and inquisitive

[1] Lord Capell's Petition to the Commissioners for Composition.—Vide Appendix S S. [2] Commons' Journals, vol. vi. p. 269.
[3] First Series, iii. 706; State Paper Office.

" after a proper match for her; and at last (after much " search and inquiry, and refusals of many), by a most " excellent choice, they happily found out one who (if " the whole kingdom afforded any) was indeed a fit and " proper husband for her; and he (a person not to be " named without a preface of honour and reverence) " the truly noble and honourable Arthur Lord Capell, " late Baron of Hadham. . . Unto this blessed martyr " was our most excellent lady here, the fruitful mother " of a plentiful issue. . . . During the whole time of " his life, she was his most loving, faithful, and obe- " dient wife; and when Providence had made her his " widow, she then openly declared and manifested to " the world how dearly she loved his person, by her " signal faithfulness to his commands; I mean, her " exceeding care and tenderness of his children, those " dear remains and pledges of his conjugal love. And " here her first and greatest care of all was for their " education; to water these tender plants with whole- " some precepts and examples, and to infuse early " principles of piety and religion into their minds." . . Mr. Barker then gives a most pleasing picture of Lady Capell and the noble family, in which he says he had lived for eight years, with time " and leisure " enough to make out observations of them; and yet, " to their honour he could report, and could say it " faithfully, and not of one more than of another, that in " all this whole time he did never yet hear or see either " the least distempered behaviour in them, or oath " sworn by them, or unsavoury speech falling from any " of their mouths, or yet unhandsome action done by

"any of them." After summing up the many virtues that adorned Lady Capell through life, he says, "So "that a right excellent person she was, view her in all "her postures and conditions, take her in all her "relations and capacities. An excellent woman, an "excellent wife, an excellent mother, an excellent lady, "an excellent neighbour, and an excellent Christian."

Lady Capell suffered a long and very painful illness, which, according to Mr. Barker's account, was borne with remarkable patience and fortitude, and she died at the age of 50, January 20th, 1660. She was buried in Little Hadham church; where the following inscription is engraved on her tomb:—

"Here lyeth interred the body of Elizth Lady Capell, wife "of A. Lord Capell, only daughter of Sir Charles Morrison. "She departed this life the 20th of January, 1660."

A more elaborate Latin inscription was written by Mr. Barker:—

"M. S.
Siste Viator: Quo vadis? Paucis te volo.
Hic jacet
Oculis tuis visendum spectaculum
Inculpatæ vitæ exemplar notabile,
Dna ELIZ. CAPELL;
Magni illius atque Incomparabilis,
Dni ARTHUR, Baronis de Hadham;
Olim Conjux,
Nuper Relicta:
Ex Illustri Morisinorum Familia oriunda
Solaque modo (sic scilicet superis visum) superstes:
Quâ cum unâ concidit quicquid Morisinorum residuum.
Fœminarum (quas unquam vidit Sol) præstantissima:
Matronarum (quas ubivis, habet tellus) pudicissima:
Christianarum (si quæ alia) ipsa Christianissima:
Fortunæ, Naturæ, Gratiæ, dotibus ex æquo clara.

Quam
Numerosâ liberorum sobole beavit Deus;
Insigni formæ pulchritudine ornavit Natura:
Omnimodo Virtutum cumulo ditavit gratia:
Tandem, proh dolor!
Post longum morbi tædium,
Languescentibus sensim viribus,
Virtutibus aucta, Cœlo matura,
Fatis,
Sibi gratissimis, nobis inimicissimis
Cessit.

Nata Feb. 24 A.D. 1610.
Denata Jan. 26 } A.D. 1660.
Inhumata Feb. 6 }
Cætera memorabunt posteri.
Abi Viator; Lege, Luge, Imitare.

Flens mœrensque posuit
Ed. M. Barker."

Lord and Lady Capell had a numerous family, of whom eight outlived their father.

Elizabeth . . . . . b. 1629 . . . died young.
Mary Winifred . . b. 1630 . . . married, 1st, Henry Lord Beauchamp, June 20, 1648; 2nd, Henry Somerset, Marquis of Worcester, afterwards Duke of Beaufort.
Arthur . . . . . b. 1631 . . . created Earl of Essex April 20, 1661. Married Elizabeth, daughter of Algernon Percy, Earl of Northumberland. Found in the Tower with his throat cut, July, 1683.
Elizabeth . . . . . b. 1633 . . . married to Charles Dormer, Earl of Carnarvon.
Theodosia . . . . . b. 1634 . . . died young.
Edward[1] . . . . . — . . . died young.
Henry, third son . b. 1637 . . . created Lord Capell of Tewkesbury April, 11, 1692. Married Dorothy, daughter of Richard Bennet; d. s. p. at Dublin Castle 1696, whilst Lord Deputy of Ireland.
Charles . . . . . — . . . died 1656.

[1] Edward was probably born between 1634 and 1637, as Henry is registered third son.

Theodosia . . . . . b. 1639 . . . married Henry Hyde, Lord Cornbury, afterwards second Earl of Clarendon.

Anne . . . . . — . . . married to John, son and heir to Giles Strangeways, Esq., of Melbury Sandford, in com. Dorset.

PORTRAITS OF ARTHUR LORD CAPELL.

	Painters.	*Engravers.*
In Heath's Chronicle. 8vo.		
Woodcut, inscribed "Effigies and Character," &c. 8vo.		
Oval, in a square frame, half-length, in armour. 12mo.		
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M. Ward's 'Rebellion.' 8vo. . . . (This plate was subsequently used in an edition of Lord Clarendon's 'History of the Rebellion.')	. .	G. VERTUE.
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APPENDIX.

(A.)

Nov. 1.—Committee of Lords to join with an equal number from the House of Commons, to borrow 50,000*l.* for the Irish affairs.

Nov. 3.—Committee to draw up the heads of the reasons which the Lord Seymour is to present to the Queen, concerning the commitment of Robert Phillips, the priest, her confessor, to the Tower.

Dec. 6.—Committee for the relief of the captives taken by the Turkish Moorish pirates, and to prevent the taking of others in future.

Dec. 9.—Committee for the indemnity of Philip E. of Pembroke and Montgomery, and the Lady Anne his wife, notwithstanding any office to be found, &c., by Henry, now Earl of Cumberland.

Dec. 10.—Committee to consider the case of Mathewe Symonds, a printer, for printing a book intituled 'Certain Grievances or Errors of the Service Book.'

Dec. 16.—Committee to join a proportionate number of the House of Commons, to present a petition and remonstrance to the King.

(B.)

Protests signed by Lord Capell.

1641. March 2.—It was resolved by the House of Lords, in concurrence with the Commons, that the kingdom be put into a posture of defence by the Parliament. Lord Capell,

with twelve other peers, entered their protest against this resolution.

March 5.—An ordinance of the Lords and Commons was agreed on for the safety and defence of the kingdom. On the ordinance being read, a question was moved by a Lord, that it was a scruple to his conscience whether this ordinance doth not intrench upon the oath of allegiance. The oath of allegiance was read: it was agreed, *nemine contradicente*, that the passing this ordinance was no way against the oath of allegiance. The ordinance passed, Lord Capell, with fifteen other peers, entered their protest against it.

March 7.—A declaration was agreed on by both Houses to be presented to the King about "fears and jealousies." Lord Capell, with thirteen other peers, entered their protest against it.[1]

March 15.—Message from the House of Commons for the Lords' concurrence in some votes that were to be the heads for a declaration.

1. Vote for putting the kingdom into a posture of defence.

2. That the King had refused his assent to the modelling of the militia.

3. That the people are bound by the ordinance for the militia, though it has not received the King's assent.

To the first three of these votes Lord Capell and five other peers entered their protest.

March 19.—The House of Lords receives from the House of Commons the draft of a message to be sent to the King: the House concurred. Lord Capell and four other peers entered their protest against it.

March 21.—Lord Capell named one of the Committee on the second reading of the Bill against the Exportation of Wools, on which Lord Roberts and Lord Pagett also sat.

March 23.—Lord Capell one of the Committee on the second reading of the Bill "for avoiding actions in some cases." Lord Pagett and Lord Kymbolton sat also on it.

[1] Journals of the House of Lords, vol. iv. p. 631.

Lord Capell one of the Committee on the Bill for asserting privileges lately broken.

March 28.—Lord Capell on the Committee to inquire into the business of Sir Edward Dering and others being sent for as delinquents, as having been active in contriving and presenting [Lord Kymbolton, Lord Roberts, &c., sat also] a petition from Kent, the object of which was

It was resolved that the Earl of Bristol should be committed to the Tower, because this same petition had been delivered to him, and he had not done his duty in acquainting the House with it, as he ought to have done, &c. To this resolution Lord Capell and seven other peers entered their protest.

1642. April 5.—It was resolved to petition the King for the royal assent to one of the remedies for the grievances of this time,—viz., that great officers of State and Privy Councillors should be displaced, and others recommended by the Parliament to be put in their room. To this resolution Lord Capell and seventeen other peers entered their protests.

April 25.—Lord Capell and three other peers added to the Committee for the proposition of the sea adventurers for Iceland.

April 30.—Lord Capell and eighteen other peers were named for a Committee on a Bill to enable Sir Robert Coke, Kt., to pay his debts and make provision for a Dame Theophilo, now his wife.

May 14.—A Bill was passed to restrain peers made hereafter from sitting or voting in Parliament. Lord Capell and four other peers entered their protests.

May 19.—It was resolved that the declaration from the House of Commons should pass without alteration. Lord Capell and five other peers entered their protest.

May 20.—Lord Capell added, with five other peers, to the Committee for saltpetre and powder.

May 23.—The declaration read again in particulars and debated maturely. Lord Capell and seven other peers entered their protests against it.

(C.)

Letter to Dr. Brownrick, Bishop of Exeter.

I shall add such a consideration more, that, if it stood singly, yet in my opinion would justifie and quit the cost of any endeavour or indurance: That is the unparallel'd sufferings of this great Prince. . . . Believe me, multitudes of Men are mistaken if in the point of his Temporal Affairs he had not been in a much better condition (though I profess not in a good one) had he timely relaxed much of his constancy and sincerity towards the Rights, Preheminencies, and Patrimony of the Church. Neither is our obligation but very great to him—his sufferings being for our laws—so unquestionable is our Prosperity mixed with his Dignity. Now, shall this great personage suffer Imprisonment, Deprivation of Majesty, absence of all Worldly Comforts, and minutely Hazards of life, for his magnanimous stedfastness to *your and our* advantages, and we not struggle for *him* with our utmost endeavours?—*Vide Letters written to certain Persons by Arthur Lord Capell*, printed 1683, pp. 98, 99.

(D.)

Impeachment of the nine Lords.

For that, contrary to their duty, they being Peers of the Realm, and summoned by writ to attend the Parliament, and contrary to an Order of the House of Peers of the ninth of April last, and several other orders requiring the attendance of the Members of that House, and after a vote passed in both Houses, of the 20th of May last, that the King, seduced by wicked counsel, intended to make war against the Parliament, and that whosoever served or assisted him in that war was adjudged a traitor, did, notwithstanding, afterwards, in the same month of May, contemptuously, having notice of the said votes and orders, withdraw themselves from the said House of Peers and repair to the city of Yorke, where the Preparations of the

said war were, and yet are, in contrivance and agitation, they knowing of such Preparations; and being, by an Order of the 30th of May, duly summoned by the House of Peers to make their appearance before that House upon the 8th day of June last past, they refused to appear, and returned a slighting and scornful answer by a letter under their hands, directed to the Speaker of the Lords' House, and remaining there upon record; for which crimes and misdemeanours, to the interruption of the Proceedings of Parliament and great affairs of the Kingdom, and tending to the dissolution of the Parliament and disturbance of the Peace of the Kingdom, I am commanded, in the name of the said Commons, to demand of your Lordships that the said Lords may be forthwith put to their answer, and receive speedy and exemplary Punishment according to their demerits; the Commons saving to themselves liberty, at all times hereafter, to exhibit any other or further Impeachment against the said Lords, or any of them."

Order for the impeached Lords to answer.

Ordered, &c., that Spencer Earl of North'ton, Wm. Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth, Charles Lord Gray of Ruthin, Charles Lord Howard of Char., Robert Lord Rich, Thomas Lord Coventry, and Arthur Lord Capell, being impeached of high crimes and misdemeanours by the House of Commons, shall appear before the Lords in Parliament and make their several answers before their Lordships, on Monday come seven night, being the 27th of this instant June, unto the said impeachment, or else this House will proceed in judgment against them by default.—*Lords' Journals*, vol. v. p. 141. *June* 16, 1642.

(D *a.*)

Sentence of the nine impeached Lords.

Whereas Spencer Earl of Northampton, William Earl of Devonshire, Henry Earl of Dover, Henry Earl of Monmouth,

Charles Lord Howard of Charleton, Robert Lord Rich, Charles Lord Gray de Ruthin, Thomas Lord Coventry, Arthur Lord Capell, were the 16th of June, 1642, impeached by the knights, citizens, and burgesses of the House of Commons, for these high crimes and misdemeanours following, videlicet, for that, contrary to their duty, they being peers of the realm, and summond by writ to attend the Parliament, and contrary to an order of the House of Peers of the 9th of April last, and several other orders, requiring the attendance of the members of that House, and after a vote passed in both Houses the 20th of May last, "That the King, seduced by "wicked counsel, intends to make war against the Parliament, "and that whosoever served or assisted him in that war was "adjudged a traitor;" did, notwithstanding, afterwards, in the same month of May, contemptuously, having notice of the said votes and orders, withdraw themselves from the said House of Peers, and repair to the city of Yorke, where the preparations of the said war were and yet are in contrivance and agitation, they knowing of such preparations; and being, by an order of the 30th of May, duly summoned by the House of Peers to make their appearance before that House upon the 8th day of June last past, they refused to appear, and returned a slighting and scornful answer, by a letter under their hands, directed to the Speaker of the Lords' House, and remaining there upon record: for which crimes and misdemeanours, to the interruption of the proceedings of Parliament and great affairs of the kingdom, and tending to the dissolution of the Parliament and disturbance of the peace of the kingdom, the said knights, citizens, and burgesses, did demand that the said Spencer Earl of North'ton, &c., should be put to their answers and receive exemplary punishments, according to their demerits: And whereas it was ordered upon the said 16th of June, that the said Spencer Earl of North'ton, &c., should appear before the Lords in Parliament, and make their several answers before their Lordships, on Monday the 27th of the said June, to the

said impeachment, or else this House would proceed in judgment against them by default: And whereas Spencer Earl of Northampton, &c., in contempt of this High Court, have refused to appear and make answer to the said impeachment; the Lords, having taken the said charge into their due consideration, do find the said Spencer Earl of Northampton, &c., guilty of the crimes charged as aforesaid; and thereupon, and for their said contempt, this High Court doth award and judge—

1. That Spencer Earl of North'ton, &c., shall not sit or vote in the Lords' House during this present Parliament:

2. That they shall not enjoy the privilege of Parliamentas members of Parliament:

3. That they shall stand committed to the Tower during the pleasure of this House.

—*Journals of the House of Lords*, vol. v. p. 223, July 20, anno 1642.

(E.)

An honest Letter to a doubtful Friend. Printed in the year 1642.

To his much esteemed friend and kinsman Sir H. W., at his house in Westminster.

. . . . . Now surveigh the Popish and beggarly lords and cavaliers for and about the King, as the Duke of Richmond, the Marquesse Hartford, Earles of Cumberland, Darby, Lindsey, Bath, Dorset, Bridgwater, Danby, Leicester, Devonshire, North Hampton, Chesterfield, Bristoll, Westmerland, Barkshire, Newcastle, Carnarvon, Kingston, and Thanot; the Lords Mowbray, Mountague of Baughton, Daincourt, Shandoys, Spencer, Gray, Mohume, Dunsmore, Newarke, Seymore, Capell, and others: then of the House of Commons—Sir Christo. Hatton, Sir Jarvas Clifton, S. Guy Palmes, S. James Thinn, Mr. James Coventry, Mr. Henry and John

Bellassey, Sir Tho. Fanshaw, Sir Richard Lewson, Sir Tho. Danby, Sir Joh. Packington, Sir Ric. Lee, Sir Charles le Grosse, Mast. Catline, Mast. Holborne, Mr. Bridgman, Mr. Chadwell, Sr John Stangwayes and his son, Mr. John Digby, Sr Edw. Dering, Sir VVill. VViddrinton, Mr. Venables, Baron of Kinnerton, Mr. Rogers, Mr. Newport, Sir Edw. Alford, Mr. VVhitmore, Mr. Chitchley, Mr. Edgcombe, Sir John Stowell, M. Crook, Mr. Nowell, Mr. Sutton, Sr Will. Oagle, Sr Wil. Poole, and one hundred more then my paper will hold, men of understanding and known integrity; and which of all these whose age and health would permit, adventured not their lives and estates in this war with the King? Now let 's examine their religion, and you shall find them dayly at sermons and service with the King, hearing and practising the same Protestant Religion and Liturgy that saved our fathers, and hath been in our Church ever since the Reformation, and which we have vowed by the late Protestation to maintaine: then (no doubt) neither the King nor they are likely to bring in Popery, nor be Separatists.

That they are men of estates the counties that elected them (if not the kingdome) knowes, and which of them hath any profit by the warre? which of them goes not himselfe and servants to the warre at his owne charge? Nay, which of them hath not otherwise in a large manner contributed to the maintenance of the Kings army, and that without any commands of an Ordinance; yea, even against the Declaration of the Houses? What would they and others then have done, had an Order of the Houses directed it as on the other side? By this then you see they are neither Popishly nor beggarly; nor can have any reward or hopes of repaire out of the estates of the adverse party. . . . . .

Your friend & kinsman,

Milk-street, London, 28 Dec. 1642. T. R.

—*Bound Pamphlets*, 1640-42, *in the possession of the Earl of Essex*, vol. iii.

(F.)

Cromwelliana.

1642. Information was given to the Parliament of the cruel progress of Prince Rupert in Hampshire and Wilts; the Lord Capell also being designed with a party of horse to go into Cambridgeshire to plunder the country, and especially to fall upon Cambridge; but that county, having notice thereof, stood upon their guard, and sent to Essex, Norfolk, and Suffolk to assist them, who accordingly sent great forces to Cambridgeshire to join with Colonel Cromwell; and the Parliament also, upon consideration of the business, appointed some ordnance and other ammunition to be sent to Cambridge; of all which forces the Lord Capell having notice, and that there were little hopes of effecting his designs there without opposition, or to gain honour without blows, as Prince Rupert in plundering Gloucestershire, and advising better upon it, thought it more policy to dispense with his honour in that service than purchase it at so dear a rate, and hath since deserted the attempt, and steered his course a contrary way to join with Prince Rupert; it being also informed by letters from Cambridge that on Tuesday last there was at least 5000 or 6000 of the neighbouring counties come to Cambridge to assist Colonel Cromwell against the Cavaliers, and this day of the forces in Norfolk, Suffolk, and Essex, came in and about Cambridge 12,000 or 14,000 men, besides the pieces of ordnance and other ammunition from London.

March 2.

(G.)

Letter to the Earl of Essex from the Lords and Commons of Parliament assembled at Oxford, touching a treaty for peace.

My Lord,

His Majesty having by his proclamation of the 22nd of December, upon occasion of the invasion threatened, and in

part begun, by some of his subjects of Scotland, summoned all the members of both Houses of Parliament to attend him here at Oxford, we, whose names are underwritten, are here met and assembled in obedience to those his Majesty's commands. His Majesty was pleased to invite us, in the said proclamation, by these gracious expressions: "That his sub-"jects should see how willing he was to receive advice (for the "preservation of the religion, laws, and safety of the kingdom, "and as far as in him lay to restore it to its former peace "and security, his chief and only end) from those whom they "had trusted, though he could not receive it in the place "where he appointed." This most gracious invitation hath not only been made good unto us, but seconded and heightened by such unquestionable demonstrations of the deep and princely sense which possesses his royal heart of the miseries and calamities of his poor subjects in this unnatural war, and of his most entire and passionate affections to redeem them from that sad and deplorable condition by all ways possible consistent either with his honour or with the future safety of the kingdom, that, as it were impiety to question the sincerity of them, so were it great want of duty and faithfulness in us (his Majesty having vouchsafed to declare "that he did call us to be witnesses of his actions and privy to his intentions") should we not testify and witness to all the world the assurance we have of the piety and sincerity of both. We, being most entirely satisfied of this truth, cannot but confess that, amidst our highest afflictions in the deep and piercing sense of the present miseries and desolations of our country, and those farther dangers threatened from Scotland, we at length erected to some cheerful and comfortable thoughts, that possibly we may yet (by God's mercy, if his justice have not determined this nation, for its sins, to total ruin and desolation) hope to be happy instruments of our country's redemption from the miseries of war, and of its restitution to the blessings of peace. And we, being desirous to believe your Lordship,

howsoever engaged, a person likely to be sensibly touched with these considerations, have thought fit to invite you to that part in this blessed work which only is capable to repair all our misfortunes, and to buoy up the kingdom from ruin; that is, by conjuring you, by all the obligations that have power upon honour, conscience, or public piety, that, laying to heart as we do the inwardly bleeding condition of your country, and the outward more menacing destruction by a foreign nation upon the very point of invading it, you will co-operate with us to its preservation by truly representing to, and faithfully and industriously promoting with, those by whom you are intrusted, this following most sincere and most earnest desire of ours: That, they joining with us in a right sense of the past, present, and more threatening calamities of this deplorable kingdom, some persons be appointed on either side, and a place agreed on, to treat of such a peace as may yet redeem it from the brink of desolation. This address we should not have made, but that his Majesty's summons, by which we are met, most graciously proclaiming pardon to all without exception, is evidence enough that his mercy and clemency can transcend all former provocations, and that he hath not only made us witnesses of his princely intentions, but honoured us also with the name of being security for them. God Almighty direct your Lordship, and those to whom you shall present these our most real desires, in such a course as may produce that happy peace and settlement of the present distractions which is so heartily desired and prayed for by us, and which may make us your

(Signed)

Charles P.	D. Richmond.
York.	M. Hartford.
Cumberland.	E. Lindsey.
Ed. Littleton, C.S.	E. Dorset.
Fra. Cottington.	E. Shrewsbury.

E. Bath.	John Fettiplace, Esq.
E. Southampton.	Sir Alex. Denton.
E. Leicester.	Sir John Packington.
E. Northampton.	Sir Tho. Smith.
E. Devonshire.	Francis Gannel, Esq.
E. Carlisle.	John Harris, Esq.
E. Bristol.	Richard Edgcombe, Esq.
E. Barkshire.	Jonathan Rawleigh, Esq.
E. Cleveland.	G. Fane, Esq.
E. Rivers.	P. Edgcombe, Esq.
E. Dover.	Will. Glanvill, Esq.
E. Peterborough.	Sir Robert Holbourne.
E. Kingston.	Sir Ra. Sydenham.
E. Newport.	Fr. Godolphin, Esq.
E. Portland.	George Parry, Dr. of Law.
V. Conway.	Ambrose Manaton, Esq.
L. Digby.	Richard Vivian, Esq.
L. Mowbray & Maltravers.	John Polewheele, Esq.
L. Wentworth.	John Arundel, Esq.
L. Cromwell.	Thomas Lower, Esq.
L. Rich.	Sir Edward Hide.
L. Paget.	William Allestree, Esq.
L. Chandoys.	Sir George Stonehouse.
L. Howard of Charleton.	Edward Seymour, Esq.
L. Lovelace.	Peter Sainthill, Esq.
L. Savile.	Sir William Poole.
L. Mohun.	Roger Matthew, Esq.
L. Dunsmore.	Richard Arundel, Esq.
L. Seymour.	Robert Walker, Esq.
L. Percy.	Giles Strangways, Esq.
L. Willmot.	Sir John Strangways.
L. Leigh.	Sir Thomas Hele.
L. Hatton.	Sir George Naper.
L. Jermin.	Sam. Turner, Dr. in Phy-
L. Carrington.	sick.

Will. Constantine, Esq.
Hen. Killigrew, Esq.
Richard King, Esq.
John Dutton, Esq.
Henry Brett, Esq.
William Chadwell, Esq.
Sir Theobald Gorges.
John George, Esq.
Sir Tho. Fanshaw.
Joseph Jane, Esq.
Humf. Conningsby, Esq.
Richard Seaborne, Esq.
Arthur Lord Ranelaugh.
Tho. Tomkins, Esq.
Sir Sampson Evers.
Sir John Culpeper.
Jeffrey Palmer, Esq.
Sir John Harrison.
Tho. Fanshaw, Esq.
Sir Roger Palmer.
Sir Orlando Bridgman.
William Watkins, Esq.
John Smith, Esq.
Sir Thomas Bludder.
Sir Edward Littleton.
Sir Harry Bagot.
Sir Richard Leveson.
Sir Richard Cave.
Richard Weston, Esq.
Sir Richard Lee.
Sir Tho. Whitmore.
Sir Edw. Acton.
C. Baldwin, Esq.
R. Goodwin, Esq.
Tho. Howard, Esq.
Tho. Littleton, Esq.
Sir Robt. Howard.
Sir John Meux.
Matthew Davis, Esq.
Sir Fr. Cornwallis.
Tho. Jermin, Esq.
John Taylor, Esq.
William Basset, Esq.
Sir William Portman.
Sir Edward Rodney.
Tho. Hanham, Esq.
Edward Philips, Esq.
John Digby, Esq.
Christ. Kirton, Esq.
Edward Lukenor, Esq.
Sir Edward Alford.
John White, Esq.
John Ashburnham, Esq.
William Smith, Esq.
Thomas Leeds, Esq.
Sir James Thinne.
William Pleydell, Esq.
Ro. Hide, Serjeant at Law.
Sir Edward Griffin.
Sir Walter Smith.
George Lowe, Esq.
Rich. Harding, Esq.
Sir Henry Herbert.
And. Porter, Esq.
Samuel Sandys, Esq.
John Bodvill, Esq.
William Morgan, Esq.
William Thomas, Esq.
John Mostyn, Esq.
Henry Bellasis, Esq.

Sir George Wentworth.
William Malery, Esq.
Richard Aldburgh, Esq.
John Salisbury, Esq.
William Herbert, Esq.
William Price, Esq.
Sir John Price.
Sir Robert Herbert.
Charles Price, Esq.
Phil. Warwick, Esq.
Thomas Cook, Esq.
Sir Robert Crooke.
Herb. Price, Esq.
John Whistler, Esq.

These peers following, being disabled by several accidents to appear sooner, have since attended the service, and concurred with us :—

Viscount Cambden.
Lord Abergavenny.
Lord Arundel.
Lord Capel.
Lord Newport.

Peers employed in his Majesty's service, or absent with leave :—

Marquess of Winchester.
Marquess of Worcester.
Marquess of Newcastle.
Earl of Derby.
Earl of Huntingdon.
Earl of Clare.
Earl of Marlborough.
Viscount Falconbridge.
Lord Morley.
Lord Darcy and Coniers.
Lord Stourton.
Lord Evers.
Lord Daincourt.
Lord Pawlet.
Lord Brudenell.
Lord Powis.
Lord Herbert of Cherbury.
Lord Hopton.
Lord Loughborough.
Lord Byron.
Lord Vaughan.
Lord Withrington.

Peers absent in the parts beyond the seas :—

Earl of Arundel.
Earl of St. Albans.
Viscount Montague.
Viscount Stafford.
Lord Stanhope.
Lord Coventry.
Lord Goring.
Lord Craven of Hampstead.
Lord Craven of Ryton.

Peers in prison for their loyalty to his Majesty:—

Earl of Chesterfield. Lord Montague of Boughton.

Whoever views these numbers, and considers how many peers are at this time under age, will quickly know who and how many are privy or consenting to the counsels at Westminster.

These members following, being disabled by several accidents to appear sooner, have since attended the service and concurred with us:—

Peter Venables, Esq.
Sir John Pawlet.
Edward Bagshaw, Esq.
Sir John Burlasey.
Francis Newport, Esq.
Anthony Hungerford, Esq.
John Russel, Esq.
Thomas Chichley, Esq.
Earl of Cork.
Sir Gervase Clifton.
Sir Guy Palmes.
Robert Sutton, Esq.
Gervase Hollis, Esq.
Sir Patricius Curwen.
Sir Henry Bellingham.
Sir George Dalstone.
Sir Thomas Sandford.
Sir William Dalston.
Michael Wharton, Esq.
Sir Robert Hatton.
James Scudamore, Esq.
Sir John Brooke.
Sir John Stepney.

Oxford, January 27, 1643–44.

—*Parl. History*, vol. iii. p. 209.

(H.)

Letter to the Lords of the Privy Council in Scotland and Conservators of Peace, touching their expedition into England, and showing how few Peers were left at Westminster.

Our very good Lords,—If for no other reason, yet that posterity may know we have done our duties, and not sat still, whilst our brethren of Scotland were transported with a dangerous and fatal misunderstanding, that the resolution now

taken among them for an expedition into England is agreeable to their obligation by the late treaty, and to the wishes and desires of this kingdom, expressed by the two Houses of Parliament, we have thought it necessary to let your Lordships know that, if we had dissented from that act, it could never have been made a law, and when you have examined and considered the names of us who subscribe this letter (who, we hope, are too well known to your Lordships and both kingdoms to be suspected to want affection to religion or to the laws and liberty of our country, for the defence and maintenance whereof we shall always hold our lives a cheap sacrifice), and when you are informed that the Earls of Arundel and Thanet, and the Lords Stafford, Stanhope, Coventry, Goring, and Craven, are in parts beyond the seas, and the Earls of Chesterfield and Westmoreland, and the Lord Montague of Boughton, under restraint at London for their loyalty and duty to His Majesty and the kingdom, your Lordships will easily conclude how very few now make up the Peers at Westminster, there being in truth not above twenty-five Lords present or privy to their counsels, or, being absent, consenting or concurring with them; whereas the House of Peers consists of above 100, besides minors and recusant Lords, neither of which keep us company in this address to your Lordships. How we and the major part of the House of Commons come to be absent from thence, is so notorious to all the world that we believe your Lordships cannot be strangers to it: how, several times during our sitting there, multitudes of the meanest sort of people, with weapons not agreeing to their condition or custom, in a manner very contrary and destructive to the privileges of Parliament, filled up the way between both Houses, offering injuries both by words and actions unto, and laying violent hands upon, several members, and crying out many hours together against the established laws in a most tumultuous and menacing way; how no remedy would be sub-

mitted to for preventing these tumults; after which, and other unlawful and unparliamentary actions, many things received and settled upon solemn debate in the House of Peers were again, after many threats and menaces, resumed, altered, and determined, contrary to the law and custom of Parliament, and so many of us withdrew ourselves from thence, where we could not sit, speak, and vote with honour, freedom, and safety, and are now kept from thence for our duty and loyalty to our Sovereign, and must, therefore, protest against any invitation which hath been made to our brethren of Scotland to enter the kingdom with an army, the same being as much against the desires as against the duty of the Lords and Commons of England. And we do conjure your Lordships, by our common allegiance and subjection under our gracious Sovereign, by the amity and affection between the two nations, by the Treaty of Pacification (which by any such act is absolutely dissolved), and by all obligations, both divine and human, which can preserve peace upon earth, to use your utmost endeavours to prevent the effusion of so much Christian blood, and the confusion and desolation which must follow the unjust invasion of this kingdom, which we (and we are confident all true Englishmen) must interpret as a design of conquest, and to impose new laws upon us; and, therefore, your Lordships may be assured we shall not so far forget our own interest and the honour of our nation as not to expose our lives and fortunes in the just and necessary defence of this kingdom; but if your Lordships, in truth, have any doubts or apprehensions that there is now, or hereafter may be, a purpose to infringe your laws or liberties from any attempt of this kingdom, we do engage our honours to your Lordships to be ourselves most religious observers of the Act of Pacification; and if the breach and violation do not first begin within that kingdom, we are confident you shall never have cause to complain of this; and having thus far expressed ourselves to your Lordships, we

hope to receive such an answer from you as may be a means to preserve a right understanding between the two nations, and lay an obligation upon us to continue your Lordships' most affectionate humble servants,

Ed. Littleton.
C. S. Richmond.
Hertford.
Newcastle.
Huntingdon.
Bath.
Southampton.
Dorset.
Northampton.
Devonshire.
Bristol.
Berkshire.
Cleveland.
Marlborough.
Rivers.
Lindsey.
Dover.
Peterborough.
Kingston.
Newport.
Portland.
Carbery.
Conway.
Falconberg.
Wilmot.
Savil.
Cottington.
Mowbray and Maltravers.
Darcy and Coniers.
Wentworth.
Cromwel.
Rich.
Paget.
Digby.
Howard of Charlton.
Deincourt.
Lovelace.
Powlet.
Mohun.
Dunsmore.
Seymour.
Herbert.
Cobham.
Capel.
Piercy.
Leigh.
Hatton.
Hopton.
Jermyn.
Loughborough.
Byron.
Widdrington.

—*Parl. Hist.*, vol. iii. p. 203.

(I.)

Letter from Princess Elizabeth to the Lords.

The Earl of Pembroke acquainted the House of Lords that the Lady Elizabeth gave him a letter, and desired him to deliver it to this House from her:—

"MY LORDS,

"I account myself very miserable that I must have my "servants taken from me and strangers put to me. You pro- "mised me that you would have a care of me, and I hope you "will show it in preventing so great a grief as this would be "to me. I pray, my Lords, consider of it, and give cause to "thank you, and to rest

"Your loving friend,

"ELIZABETH.

"To the Right Honourable the Lords
and Peers in Parliament."

—*Journals of the House of Lords*, vol. vi. p. 341.

The Houses of Lords and Commons seem to have been at issue on the point of removing certain persons in attendance on the King's children. On the 26th of January, 1643-44, the Commons reported to the Lords, "that, by reason of the ill "servants about them, that place (St. James's) is no better than "a garrison at Oxford in returning of moneys and conveying of "letters, &c. &c." The Lords immediately appointed a committee to visit the King's children, and to inquire about some of their servants being dismissed, and complained of it as a breach of privilege that "they should have been so displaced "without the knowledge of their House."—*Journals of the House of Lords*, vol. vi. pp. 393-4.

(I *a*.)

The following list of numerous persons appointed to attend the King's children was honourable to the Parliament. The children were in fact prisoners, but the household appointed was on a princely scale, and this mark of liberality and respect due to their high station and helpless condition was certainly generous as well as politic.

A List of such Servants as are thought fit and appointed to attend his Majesty's two youngest Children, the D. of Gloucester and Princess Elizabeth.

Videlicet:

CHAMBER.

Lady Governess.	The Countess of Dorsett.
Gentlewoman of the Bedchamber to the Princess.	The Lady Southcott. To have Diet with the Lady Governess.
Cofferess.	Mrs. Lee. Diet with the Lady Governess.
	Mrs. Anne Fawlkonbridge. Diet with the Lady Governess.
Rockers to the Duke of Gloucester.	Susan Fulcher,
	Isabella Keire,
	Mary Marler,
	Mary Marrett,
	Margarett Kincade.
Chambers to the Princess.	Margarett Kilvert,
	Anne Gwin,
	Grace Rottery,
	Anne Rouse.
Laundress for the Body and Starcher.	Sybella Dromond,
	Mary Eccleston.
Necessary woman.	Jane Belcheire.
Physicians.	Sir Theodore Mayerne,
	Dr. Collydon.
Chaplains.	Mr. Obadiah Sedgiswicke,
	Mr. Joseph Caryll,
	Mr. Stephen Marshall,
	Mr. Jeremy Whittaker,
	Mr. William Greenhill,
	Mr. William Spurstow.

Household Chaplain.	Sam'ell Torshell,—200*l.* per ann.
Gentleman Ushers.	Goodere Hopton.
	Thomas Harbert, extra.
Teacher of French.	Phillip Carterett. To have the same allowance that the late Teacher of French had.

Apothecary.

2 Pages of the Back Stairs.

Wardrobe.

Robes.

Taylor.

Cap-maker.

Shoemaker.

Page of the Back Stairs to the D. of Gloucester.

Vestry.

Porter at the Back Stairs.

Purveyor in the Robes.

7 Household officers.

5 Stable servants.

—Lords' Journals, vol. vi. p. 474.

(J.)

Commission to y^e^ Lord Capell to be Captaine Generall of y^e^ Guards both Horse and Foote which attend y Princes Person.

Charles, Prince of Great Brittaine, Duke of Cornwall and Albanie, Captaine Generall of y^e^ associated Westerne Armie which accompany y^e^ petitions for peace, to our well beloved and faithfull councellour Arthur Lord Capell of Haddam, greeting. Whereas our Father's loyall subjects, the gentry, freeholders, and others of y^e^ counties of Sommersett, Devon, Cornwall, and Dorsett, and of the cittyes of Bristoll and Excester, out of a true sense of their owne and this kingdoms miseries occasioned by the late unnaturall rebellion, and a due care of preservation of the true Reformed Protestant religion, the rights and honnour of the Crowne of England, the priviledges of Parliament, the liberty and property of themselves and all other their fellow subjects according to the lawes of this kingdome, have resolved with the leave and lycence of our most deare Father the King to put themselves in armes and as one man to joyne together to repaire towards London and become petitioners to the Lords and Comons of Parliament at Westminster for a just and equall reconciliation of the unhappie differences and distractions of this kingdome and settleing the peace of the same againe by a good accomodacon without effusion of more blood. And in case they shall not obtayne their just desires therein, then according to their duty and allegiance to assist His Ma^tie^ to enforce the same by power and to reduce those that rebell against him. And for their more orderly proceeding and to avoid confusion have resolved to put themselves under comanders and officers in their intended journay for the accomplishment of their foremenconed end. And thereupon the King's most excellent Ma^tie^, our most deare Father, by his Highness Letters Pattents under the greate seale of England, beareing date the twenty-sixth day of this instant

January, hath constituted, ordeyned, and apointed us to be Captaine Generall under him of all that associated Armie of body of Peticõners within the aforesaid counties of Sommersett, Devon, Dorsett, and Cornwall, and the cities of Bristoll and Excester, and such others as shall joyne with them, with full power and authoritie therein to apoint and constitute such person as we shall thinke fitt to be Captaine Generall and Coñaunder in Chief under us of the guards of horse and foote to be listed and assigned to attend upon us for the guard of our person in that expedicõn. And likewise to assigne and appoint all other Coñaunders and officers whatsoever requisite and necessary for the government and coñand of the said body of Peticõners or associated Armie which accompany the Peticõns for peace, as in and by the said Letters Pattents it doth and may more at large appeare. Know ye therefore that we (reposeing especiall trust and confidence in your aproved wisdome and courage, and in the fidelitie and care for the preservacõn of our person and dignity, and resting asured of your hearty desires to restore this nation to the blessing of an happy peace, with due regard to the true reformed Protestant religion, the rights and honors of our deare Father the King, the just priviledges of Parliament, and the liberties and properties of the subjects of this kingdome, by virtue of the power to us granted by the said Letters Pattents do by these presents constitute, ordayne, and apoint you the said Arthur Lord Capell Captaine Generall and Coñaunder in Chiefe under us of all the guards, both horse and foote, which are to be listed and assigned to attend uppon us for the guard of our person in the said journey and undertaking; and we doe hereby give unto you full power and authority to arme, trayne, and discipline, and put in readynes to advance towards London, the said guards both horse and foote, and to governe, direct, order, and dispose them as their Captaine Generall or Coñaunder in Chiefe under us in all things touching their intended journey and designe, and the said guards to lead and conduct

towards London with the aforesaid Peticõns, and by force to resist, and in case of resistance to slay, kill, and put to execution of death, all such as shall oppose, or shall endeavour to hinder, the said associated Army or body of Peticõners in their intended journey; and in case they cannot obtayne their just desires, then to conduct and lead them for the assistance of our deare Father to subdue and bring under his obedience the enemyes of the peace of this kingdome, and all such enemyes, rebells, and traytors as are now in rebellion or shall rebell against him, and them to suppresse, kill, slay, destroy, and put to execucõn of death, by all wayes and meanes according to your good discretion. And we doe hereby will and require you yourselfe dilligently to execute and performe such orders, coñaunds, and instruccõns as you shall from tyme to tyme receive from us, and in all things to governe your selfe as unto your duty and place of Captaine Generall or Coñaunder in Chiefe under us of our Guards doth of right apertayne and belong; coñaunding all Collonells, Leiftennant Collonells, Serjeants, Majors, Captaines, and all other subordinate officers and souldiers of the said Guards both of horse and foote which shall be listed and assigned to attend upon us for the guard of our person, to obey and observe you the said Arthur Lord Capell as their Captaine Generall and Coñaunder in Chiefe under us according to this our Commission hereby given unto you. And we do likewise coñaund all Sherriffes, Comissiones, Justices of Peace, Mayors, Bailiffes, Constables, and all other inferior officers and ministers, to be ayding and assisting to you herein, and to performe and obey such coñaunds as they shall from tyme to tyme receive from you for the better furtherance of the intended service and the speedier accomplishm^{t} of the happie peace of this kingdome. And what acts soever you shall doe in pursuance of this our commission, and according to the tennor and effect of the same touching the premises, We do hereby confirme and allow, And this shall be your sufficient warrant and discharge for the same.

In Witnes whereof we have signed this your Commission, and caused our seale of Armes to be affixed thereunto, at Oxford, this 27th day of January, in the Twentieth Yeare of the King our Fathers Raigne, 1644.

(Signed) CHARLES P.

By his Hignesse Commaund in Councell.

RIC. FANSHAWE.

—MS. Commission in the possession of the Earl of Essex.

(K.)

A Letter from Sir Tho. Fairefax to the Speaker was read as follows:

" To the Right Honourable the Lord Grey of Warke, Speaker of the House of Peers pro tempore.

MY LORDS,

" It pleased God on Thursday last, by this army, to give General Goring a defeat. After he retired from Taunton he lay with his army at Lamport, where, with the advantage of the rivers and several garrisons that lay upon it, he put us to great streights to find a way how to engage with him; though he had great advantages of passes, yet his over confidence in them proved rather ours than his. Whilst he sent away his ordnance and carriages to Bridgwater, he fronted us with his army. He had passed a narrow valley that was betwixt us with a thousand musketeers. We forced them to retreat by ours. The horse seconded them, and put the army into rout, pursuing them almost into Bridgwater. Two thousand are taken prisoners, few slain; good store of arms, two pieces of ordnance, with many colours both of horse and foot, taken. We are marching to Bridgwater, and shall make the best use we can of this good success God hath given us. I desire your Lordships' pardon for this short relation. This bearer, Major

Harrison, can satisfy your Lordships more fully in particulars. So take leave to remain

Your Lordships' most humble servant,

Tho. Fairfax.

Chedsey, 11 July, 1645.

The thanks and congratulations of Parliament were sent to Sir Thos. Fairfax for his vigilance and success on this occasion.

—*Lords' Journals*, vol. vii. p. 496.

(L.)

Charles, Brecknock, 5th August, 1645.

It is very fit for me now to prepare for the worst, in order to which I spoke with Colepepper this morning concerning you; judging it fit to give it you under my hand, that you may give the readier obedience to it. Wherefore know that my pleasure is, whensoever you find yourself in apparent danger of falling into the rebels' hands, that you convey yourself into France, and there to be under your mother's care, who is to have the absolute full power of your education in all things except religion, and in that not to meddle at all, but leave it entirely to the care of your tutor, the Bishop of Salisbury (or to whom he shall appoint to supply his place in time of his necessitated absence). And for the performance of this I command you to require the assistance and obedience of all your Council, and, by their advice, the service of every one whom you and they shall think fit to be employed in this business, which I expect should be performed, if need require, with all obedience, without grumbling: this being all at this time from your loving father,

Charles R.

—*Clarendon's Hist. of the Rebellion*, vol. v. p. 231.

(M.)

King's Letter to Lord Colepepper, dated Chirke Castle, Sept. 29, 1645.

Colepepper,

I have seen and considered your despatches, and for this time you must be content with results without the reasons, leaving you to find them. Lord Goring must break through to Oxford with his horse, and from thence, if he can, find me out, wheresoever he shall understand I shall be,—the region about Newark being, as I conceive, the most likely place. But that which is of more necessity, indeed absolute, is, that, with the best conveniency, the most secresy, and greatest expedition, Prince Charles be transported into France, where his mother is to have the sole care of him in all things but one, which is his religion, and that must still be under the care of the Bishop of Salisbury; and this I undertake his mother shall submit unto; concerning which, by my next despatch, I will advertise her. This is all. So I rest,

Your most assured friend,

Charles R.

C. R.—For Lord Goring's business, though I wish it, I cannot say it is absolutely practicable; but for my son's, that is of necessity to be done. Yet for the way, I leave it to your discretion, having already with you, as I conceive, as much power in paper as I can give you. France must be the place, not Scotland, nor Denmark.

C. R.

—*Clarendon's Hist. of the Rebellion*, vol. v. p. 258.

(N.)

The King's Letter to the Prince.

Charles, Oxford 7th November, 1645.

I leave others to tell you the news of these parts, which are not so ill as I believe the rebels would make you believe.

That which I think fit to tell you is, I command you, as soon as you find yourself in a probable danger of falling into the rebels' hands, to transport yourself into Denmark; and, upon my blessing, not to stay too long upon uncertain hopes within this island, in case of danger, as above said; for, if I mistake not the present condition of the west, you ought not to defer your journey one hour. In this I am not absolutely positive, but am directly positive that your going beyond sea is absolutely necessary for me, as I do, to command you; and I do not restrain you only to Denmark, but permit you to choose any other country rather than to stay here. As for Scotland and Ireland, I forbid you either, until you shall have perfect assurance that peace be concluded in the one, or that the Earl of Mountrose in the other be in a very good condition, which, upon my word, he is not now: so God bless you. Your loving father,

Charles R.

—*Clarendon's Hist. of the Rebellion,* vol. v. p. 276.

(O.)

Letter from the King to the Prince.

Charles, Oxford, 7th December, 1645.

I writ to you this day month, of which, few days after, I sent you a duplicate. The causes of my commands to you in that letter are now multiplied. I will name but one, which I am sure is sufficient for what I shall now add to my former. It is this. I have resolved to propose a personal treaty to the rebels at London, in order to which a trumpet is by this time there to demand a pass for my messengers, who are to carry my propositions; which, if admitted, as I believe it will, then my real security will be your being in another country, as also a chief argument (which speaks itself, without an orator) to make the rebels hearken and yield to reason. Whereas therefore I left you by my last to judge of the time, I absolutely

command you to seek for carefully and take the first opportunity of transporting yourself into Denmark, if conveniently you can; but rather than not go out of this kingdom immediately after the receipt of this, I permit and command you to repair to any other country, as France, Holland, &c., whereto you may arrive with most convenient security as to your passage, for nothing else is to be feared. I need not recommend to you the leaving the country in the best posture you may; it so speaks itself, as I shall always do to be

Your loving father,

CHARLES R.

—*Clarendon's Hist. of the Rebellion*, vol. v. p. 277.

(P.)

Account of a Letter to the King from the Prince's Council.

They informed his Majesty of the great indisposition that they perceived in all the servants towards his Highness's leaving the kingdom; and that the jealousy was so great of his going into France that they had reason to believe that many who were very faithful and tender of his safety would rather wish him in the hands of the enemy than in that kingdom; and therefore, when the time of necessity should come (which they assured his Majesty they would with any hazard watch and observe), they must prefer the continuing him still within his Majesty's own dominions, and so to waft him to Scilly or Jersey, and from thence conclude what was to be done farther. They presented likewise their humble opinion to him, that, in case he should be engaged in a personal treaty at London (which they conceived the rebels would never admit without such acts first obtained from his Majesty as might invalidate his power and confirm theirs), how inconvenient it might be, without the privity of those councillors whom he was then to trust, to transport the Prince, except in danger of surprisal, before the issue of that treaty might be discerned; assuring his Majesty that nothing should put his

Highness's person into the hands of the Parliament but his Majesty's own commands; which they should not resist in his own dominions, nor, they conceived, anybody else if he were out of them.

—*Clarendon's Hist. of the Rebellion*, vol. v. p. 281.

(Q.)

His Majesty to the Lords Capell, Hopton, Culpepper, and Sir Edw. Hyde.

Yours from Tavistock, 5th of January, hath fully satisfied me why my commands concerning the Prince's going beyond sea were not obeyed. I likewise agree with you in opinion that he is not to go until there be an evident necessity; also approving very much of the steps whereby you mean to do it; but will reiterate my commands to you for the Prince's going over whensoever there shall be a visible hazard of his falling into the rebels' hands. In the mean time I like very well that he should be at the head of the army; and so much the rather for what I shall now impart to you of my resolutions, which I command you, upon your allegiance, to keep with exact secrecy. According to my orders given out, I am most confident to have in a body by the end of this month 1500 horse and 1000 dragoons, well commanded and provided. With this army volant I have resolved to make a quick march into Kent, where I am well assured that the people's minds are not ill prepared for my reception. My design is, besides raising a strength there and in Sussex, to fasten myself in Rochester, or some considerable place not far from the sea; and for the better effecting of this (because my greatest danger will be lest the rebels give me not time to settle a fast quarter) I have sent to my wife to make the 5000 men which are promised correspond out of France to land about Hastings in Sussex; which if they do as I have directed, I shall hope, by the grace of God, so to play

my game as to make the rebels sick, for that reason (correspond) now they reject. But if (the) hoped-for succours fail my expectation, and that I am so pressed upon as I cannot make myself fast in those parts, then I intend to join with the Prince of Wales. Now, in that case, whether I should go to him, he come to me, or meet at an appointed place, is that for which I chiefly impart this my resolution unto you, that so you may not only give me the clearer advice when the occasion shall serve, but also in the mean time be ordering your business in order to this great design, which, by the grace of God, I resolve without fail to prosecute, if some great accident do not intervene, which may either impossibilitate the thing, or present unto me a better undertaking. As for my London journey, I am of your opinion that the insolency of the rebels is such (indeed you put it into moderater words) that my personal treaty will come to nothing. However, I assure you (whatsoever paraphrases or prophecies may be made upon my last message) I shall never part with the Church, the essentials of my Crown, or my friends. This, with God's help, is the unalterable resolution of

Your most assured friend.

2nd February.

—*Clarendon's State Papers*, vol. ii. p. 205.

(R.)

Mr. Secretary Nicholas to the Lord Culpepper.

My Lord,

. . . . . I have certain advertisement from London that the Earl of Newport reports there that the Lord Capel's Lieutenant hath undertaken to deliver the Prince over into the Parliament army. This I have from a good hand from London. Your Lordship shall do well to have an eye to that Lieutenant, who, it may be, may be injured by that report; but I thought necessary for me to acquaint your Lordship with it, and to desire

you to make it known to the Lord Capel, that care may be taken to prevent the worst. I am really,

My Lord,

Your Lordship's most humble servant,

332,308,403,205.

Oxon., 4th February.

—*Clarendon State Papers*, vol. ii. p. 206.

(S.)

Letter from the King to the Prince.

Charles, Oxford, 22nd March.

Hoping that this will find you safe with your mother, I think fit to write this short but necessary letter to you: then know, that your being where you are, safe from the power of the rebels, is, under God, either my greatest security, or my certain ruin. For your constancy to religion, obedience to me and to the rules of honour, will make these insolent men begin to hearken to reason, when they shall see their injustice not like to be crowned with quiet; but, if you depart from those grounds for which I have all this time fought, then your leaving this kingdom will be (with too much probability) called sufficient proof for many of the slanders heretofore laid upon me; wherefore, once again, I command you, upon my blessing, to be constant to your religion, neither hearkening to Roman superstitions, nor the seditious and schismatical doctrines of the Presbyterians and Independents; for know that a persecuted church is not thereby less pure, though less fortunate. For all other things I command you to be totally directed by your mother, and (as subordinate to her) by the remainder of that Council which I put to you at your parting from hence; and so God bless you.

Charles R.

—*Clarendon's Hist. of the Rebellion*, vol. v. p. 366.

(T.)

The Queen to the Prince of Wales.

Dear Charles,

I am now fully satisfied, upon the intelligence which I have from Newcastle and London, that you cannot make any longer residence in Jersey without apparent danger of falling into the enemy's hands; and that, if you should continue there, all possible attempts would be suddenly made, as well by treacheries as by force, to get your person into their power. Therefore, considering of what high importance your safety is, as well to the King's person and his affairs, as likewise to your own interest and all his Majesty's kingdoms, I must positively require you to give immediate obedience to his Majesty's commands mentioned in the letter which I lately sent by Sir Dudley Wyatt, and reiterated in the letter which I this day received from the King by Mr. Montrevil, concerning your repair into this kingdom. Whereas we have the greatest assurance from the Crown of France that possibly can be given for your honourable reception, and full liberty to continue here, and to depart hence at your pleasure; so I do hereby engage myself to you and your Council, that, whensoever with their advice your shall find it fitting to repair from hence into any of his Majesty's dominions, I shall no ways oppose it, but shall concur and assist therein; and I likewise assure you that I shall very punctually pursue the King's directions to me, contained in his letter of the 22nd of March, an extract whereof I herewith send you, signed by me. I mention these particulars, that, so far as shall be in my power, all possible objections may be satisfied. To which end I further declare my full consent and desire, that, during your residence in this kingdom, all business of importance which may concern yourself, or which, through you, may relate to his Majesty's affairs, may be declared and resolved by you and your Council, in such manner as [you] ought to have been if you had continued in England

or Jersey. All other particulars concerning your journey hither, and your support when you shall be here, I refer to the relation of the Lord Jermyn, and shall heartily pray to God for your safe and speedy passage hither.

I am,

Your most affectionate mother,

Henriette Marie R.

St. Germain's, 20th June, 1646.

—*Clarendon's State Papers,* vol. ii. p. 238.

(U.)

Considerations upon his Highness the Prince of Wales his going from Jersey into France.

The P. of Wales his going into France is by many reputed an action that at the instant, but principally for the consequence, hath, and will have, as great an influence upon the King's affairs, and those of his three kingdoms, as any that hath been executed since the beginning of these troubles. Neither in the King's own party was there ever greater opposition of sense; therefore is it not unworthy the endeavour to make a disquisition, by the most probable conjectures, what were both the particular and public persuasions and interests that swayed all parties that were eminently engaged for or against it.

The date of this resolution I take to be after the battle of Naseby, where the King's affairs received their mortal wound, so that ever after it they had *faciem cadaverosam;* and the after strugglings of the Lord Ashleys, and alsoe of the western forces, were motions that did rather arise from anguish and pain, then from any hopeful or sound principle of natural force and vigour; yet there are some who beleeve themselves that the date of it was somewhat earlier: suer I am that his Highness, and the body of his counsell, never receiv'd ether any direction or the least intimation of it but after his Majesty's

coming into Wales, which was after that sad misfortune; and this I have from good hands.

The King's Majesty, observing the implacable hatred by w^ch his person was persued, and having upon frequent occasions made many gratious offers and attempts to pacify and allay it, but all ineffectuall, and that noe consideration would satisfy but the almost utter abolition of regall power (at least in his owne person), did sadly consider what would be the consequence of the Prince of Wales his person in their hands, by w^h he did believe that not only advantage would be made against his owne person, but uppon soveraignty it selfe; his Highness' years rendering him capable to be imposed uppon, and rather to bee the signet in their custody, to signe and countenance their orders and actions, then the conductor of the rights and interests of soveraignty. These reasons (to w^ch some have added the King's inclination to gratify the Queene) had weight, in the opinion of the wisest and faythfullest of the King's party; and therefore it seemed reasonable and necessary to his Majesty to write diverse letters, both to his Highness and his councill, that, in case of visible danger of his Highness falling into their hands, they should convey him into France, or some other dominion. The Kinge directed letters to the Queene to the same effect. The last letter was sent to the Queen into France from his Ma^ie, being then at Newcastle, and the Prince in Jersey: the clause of that letter that concernes this argument I have sett down in the express words themselves, because there was much contention about the interpretation, whether they were positive or suppositive:—"I think "not Prince Charles safe in Jersey, therefore send for him to "waite upon thee, with all speede, for his preservation is the "greatest hope of my safety."

The Queens Ma^ie thought Jersey a place too contracted and narrow to detayne his Highness person and thoughts, who had title to a larger portion of the world, and more spatious imaginations; that by this secluse condition and seperation

from affayrs he would suffer much in his education, and bee much retarded in the acquisition of those princely qualitys and endowments that should adapte him for the exalted ende of his being. Hardly would shee bee perswaded of the fidelity of all persons about him, or the absolute security of the place. Nether could shee provide subsistence for him, unless shee raysed a confidence in the French, by trusting the Prince's person in their dominions; through whose assistance alsoe the game for the Crowne was to be played out: but some there are who, not contented with these glorious and specious pretences, believe they have found out the very intrige of the matter; for, observinge the undoubted securitye of Jersey (whereby his Majesty principall end was attaynd), from whence his Highnes might safely remove uppon any occasion, the universall dislike of all the English nation of committing his Highnes person under a forraigne power but uppon a visible and most excusable necessity, the imbroyement of the Parlementarians amongst themselves, the greatest hope for the resurection of the Kings affayrs, that those whoe were to bee thought wise enough to councell soe important an action could not bee ignorant that it was rash to bee adventured on, and then but uppon manifest advantages, and those ready for execution too, but nothinge of this appearing, and, lastly, that this jorney could nether bee diverted nor respited, they did beleeve that private reason and interest both carried him thither, and must accompany him there; and if publique benefitt ether follow him or finde him where hee is, tis better fortune then goode meaninge;[1]—that her Ma^ie^, whoe hath beene persequted with the most envenomed malice that ever was any person of her eminent virtue, birth, and dignity, and some other persons of quality (we principally make application[2] to her Ma^ie^), and whoe by some accidents ly openest to thire indignation, conceve themselves in the remotest if not hopeles con-

[1] More by chance than good management. [2] Allude.

dition of reintigration,[1] and therefore have noe other expectation of it, but in the company of the Prince of Wales, whoe, by his acknowledged inocency and neere conjunction to the Crowne, cannot bee left out, as longe as thire is any veneration remayning, ether to religion or lawes. Now, whether these mens wisdome or jealousy bee greater, wee must attend till time bee delivered of truth, w^e^ burden. I perswade my selfe shee will not carry many months.

The French reason and intrest is next to bee considred in this action. I have encountred very few of that superaboundant charity, that beleeve these endeavours were only to have the opertunity, to make demonstration of the noble and inate humanity of that nation, to releeve and succor distressed princes, and, above all others, the heire of England. This favourable conjecture seemes to be checked by the Princes havinge beene tow months in France, and as yet there hath nether beene care taken of mayntenance to support himselfe and his retinew, nor any person of quality sent to visitt him, and to give him the bien venue into France: but all this time hath beene consumed uppon punctillios, w^th^ what formalitys hee must visit the Kinge of France; whether Monsieur the Kings brother, or the Duke of Orleance the Kings uncle, shall take place of the Prince of Wales. This cold entertaynement suts not well with our northeren nation, whoe att home make better provision both for the belly and the back. The comon opinion is, that the Papalins[2] designe both uppon his highnes religion and mariage, which they will execute when they finde a fitt opertunity for it; but our deepe men looke uppon this conjecture as over vulgar and obvious, and allow nether the triple crowne, nor the peticote embroydered with lilies, to have any alliance with this affayre. They consider that Cardenall Richeleu tempered this cupp of intoxication, gave it to the Scots, whoe delivered the bottome and dreggs of it to

[1] Renewing their fortune, or returning to their former condition.

[2] *Sic.*

thire brethren of England: and that the French not yet satiated with the miserys and confusions of England, or compassionate in his Majesty's distresses, doe really[1] intend a composure or reconciliation of differences there; but rather have contrived and apprehended the opertunity of having the Princes person in thire power, thereby to foment and continew this imbroylement, by bearing in hand the antimonarchicall and malitious party that they will detayne him, and promising the other that they will assist him in the behalfe of the regall right when they have a convenient opertunity; and that in truth he is such an hostage, that the peace of the three kingdoms is under the awe and power of thire councels. What is the reason? say they, it being well known to those that were employed in that business that the French have much pressed his coming? and yet it must be comonly beleeved that they nether desired nor laboured it; noe doubt but to keepe an even hand with the severall partisans in England, to w^c^ I will add another, the state of France, though att this time in the highest altitude of puissance and renowne, yet the diversity and weight of thire affayrs, sumons thire whole strength of men, mony, and alliance, to support them. There are besides dangerous seeds of mutation in that state, and therefore they are very cautious that the English should not apprehend them. Industrious to gett the Princes person, or engaged in his assistance, espetially the antimonarchicall party, for should they really beleeve the French intended the depression of thire affayrs, it is not to bee doubted (all popular councells being furiously vindicative) but they would give those aids to thire adversarys that would vex the French affayrs, if not turne the scale; so that the Princes coming to them undesired just nicks thire busines.

The L^ds^ of his highnes councell of any,[2] ly under the most different interpretation, of reprehension and comendation. The sevearest conjectures are, that these L^ds^ nothinge liked this jorney, because it would bee to thire diminution; for whereas

[1] *Sic.* Query. Do *not* really. [2] Above all.

hitherto they were the absolute disposers of the Prince and his affayrs, they must then bee controwled by a higher authority, their powers ceasing imediately uppon the Princes being in the dominion of France. Nether had they the courage (say some) to advise or attend his highnes going thither, it being an act that would make thire condition irreconcilable: that the Prince was a pretious jewell, which they retayned by them to ransome thire fortunes and estates, when they saw a fitt season for it; ney, some have the confidence to say that some or most of them had contrived the betraying the Prince to the parlament. Now to those that entertayne these opinions, I'le bestow my conjecture that it was want of witt; that these men having lost thire estate for serving the Kinge, should now forfeite the reputation of fidelity and courage for serving the parlament; suerly these men had not thire witts about them when the Prince was soe longe in the West, and the enimyes army close by them, should soe simply bringe the Prince into Jersey, where, by the vicinity of France, they were in danger to bee circumvented of all thire dessigns w^e^ hath since hapned; and considering the disinclination of the ilanders to his highnes quittinge them, they wanted both dexterity and spiritt not to improve that expedient to delay the execution of the contrary councels. But those thire are that doe much magnify the advice of the L^ds^ that it was justifiable by an unanswerable weight of reason, that nothing could be more ruinous to the Kings affayrs; for besids the dangers of the Princes mariage and religion, and those reasons alleadged in the discourse of the Queens and French intrests, this is added, that it was, of all others, the worst article of time, it being notoriously knowne that his Majesty having lately trusted his person under the power of his Scotish subjects, and promising them that, in all his affayrs, hee would advise himselfe by his parlaments of both kingdoms. What advantage for malevolent constructions would this ill timed act afford? noe other but that even then new plotts and dessigns were contrived to

reimbroyle the kingdoms, and alsoe the sincerity of his Majestys professions controverted; and as to the hopes and person of his highnes, nothing more pernitious: for whereas all arts and endeavours should have beene imployed to cherish and multiply the kyndnes and reverence which the English nation directed to the Prince, this would render him unloved and suspected; the place of his residence (jealiously looked uppon) might make those impressions, and leave some tincturs in his minde unacceptable to the affections of our nation. There are some whoe though they are of a totall concurrence with the advice of the L^ds^, yet blame them for dividing their persons from the prince. It is true that it was out of their power to divert this resolution, but that did not cancell the duty of their attendance, but the reasons for it rather seemed to bee enforced, for the more hazard the Prince his person was under, the greater use and benefitt of faythfull and affectionate ministers about him. But this is by others excused, for what greater demonstration than the checque they received in this present endeavour could themselves and the world have? How unprofitable thire counsells would bee to his highness, when they believed thire opinions had those manifest advantages that rarely happens in doubtfull affayre; nether were they unmindefull that this foyle would render them every day less and less valued by those that had made this conquest over them, and in whose consortship they must attend his highness: but others there are, and not a few, that highly extoll thire proceedinge throughout, that the worthyness of the action was equall to the wisdome and weight of the advice, and that both together had ascertayned the world of the sincerity of thire harts throughout the whole progress of the cause; that these noble persons had kept thire station firme, uppon the very center of virtue, from whence nether love nor hatred, the malice of thire enemys, nor the misconceptions of thire friends, could incline or move them to assent to, or countenance an action or councell which they, in thire understandings and

consciences, apprehended and believed fatall to the Kinge, Prince, and nation. And as for servile fears and impuer hopes, whoe can suspect but thire noble soules disdayned to admitt of a parle with such abject passions, consideringe that for this five years there cannot be named any whoe, from first to last, have made soe steady a progression in his Majestys affayrs; that this cleane and unpolutedness of minde will sustayne thire tranquility in all thire distresses and sufferings, and an unstayned estimation amonge men; conserve them more applicable for future imployments, to the advantage of his Ma^ie^ and his highnes service. Thus gayly doe some talke for them, all saints noe doubt; but concerninge them, the opinions are not more different then vehement, which hathe left mee altogether with an opinion nether to condemne nor acquitt them; but beleeve me I shall the more narrowly watch thire future demenour. The last and not most unconcerned in the consequence of this councell, is the whole English nation. This people are now devided (God bee mercifull to them) into three several partys; and wee must first describe them before wee can make report of the conjectures agreeing with thire different intrests.

The first (of whome the Kinge is heade) have for these five years contended, with much vicessitude and interchange of fortune, but att last unprosperously with both the other tow and the Scotish nation in the defense of the antient rights and preheminences belonging to regality. These, though now vanquished and dissipated, yet remayne many for nomber and eminent for quality.

The seconde party call themselves Presbiterians: The heade of them is the cyty of London, assisted by the Scotch army, w^c^ denomination should seeme to entitle them only to an exclesiasticall contention; but whoe soe considers thire demands and proceedings will easely discerne that this is but the box or cover w^c^ encloses thire civill machinations; for the restrictions and lymitations they putt uppon the regall sove-

raignty renders the government aristocraticall under a titular kingship; the very disciples of Lycurgus when they have exchanged thire gould and silver for copper and iron, and quitted thire delights and pleasures for the Spartan temperance and sobriety; and then noe doubt but a very infidell but will beleve that this government must bie of longer duration then that was.

The third Party is the Independent, whoe with a new name have contracted a greate power: Thire heade is the marchinge army. These are absolutely antimonarchicall, ney, it is a courtesy to admitt them soe much within the lymitts of government as to stile them Democraticall, for as yet they have not exhibited to the world a modell of what they strive for; and yet these have as many swords by thire sides, if not more, than ether of the other tow partys. What miracle was ever greater? Must wee not, with the Ægiptian Magitians, acknowledge, hic est digitus Dei, and, if it bee permitted to use the expression, may wee not say that thire grasshoppers and lice were tipes of our chastisement? But the busines is to relate the conjectures how this action was entertayned by these severall partys; for noe doubt but as thire intrests were seperate, soe the passions with which they were agitated were diverse.

The first (it is beleeved) will, out of a kinde and dutifull affection to the Kinge, much lament the misfortune they apprehend will really happen to his Majestys affayrs by this ill advised resolution, the inconveniences whereof wilbe much improved by the misconstructions of his adversarys: The second wilbe enraged that the heire of the crowne should be deposited under a foraine power, the reasons and intrests of thire designements swaying them to bee carefull of the seede of the crowne, whatever becoms of the roote: The last are the only persons gratified, whoe wilbe much rejoyced with it, having now thire envenomed minds better furnished with arguments against the Kinge and his councels; therefore some

have reported that the most versatile of that party did instruct the French resident att London in what manner the state of France should solicite his coming thither. Whether this bee true or noe I am utterly ignorant, yet let noe man reject it out of an improbabilyty that these men had not the skill to spin thire yarne soe fine: for I beleve a man may tier a good horse before hee finds a pack of craftier knaves; ney, shall I say more, that the whole body of this party have virtues, or the symulations of them, that make upp a dangerous adversary, temperance, patience, industry, unity amonge themselves, and obedience to thire guids. I would his Majesty had imployed instruments in his just cause that had not beene worse qualified.

I shall conclude this discourse with a short observation uppon these observations, the matter of them being a notable demonstration that the resolutions of greate princes, like thire persons, have a greate trayne attending them; and therefore with how greate circumspection and deliberation ought they to resolve, and not more carefully to ponder the reasons and persuations of those that councell them then the councellors themselves; for infallably all councells, more or less, have a tange of the casque from when they are drawne; and in the mistery of kinge craft a cleere vision of the advice and advisers is equally necessary.

(V.)

Sir Edward Hyde to his Majesty.

May it please your Majesty,—

As soon as his Highness left this island, my Lord Capell, my Lord Hopton, and myself, presented our duty and an account of ourselves to your Majesty, and besought your Majesty's commands how to dispose ourselves to your service. Whether that humble address of our's had ever the happiness

to be presented to your Majesty I know not. The bearer hereof goes with more confidence of admission into those quarters than many other very good men can yet entertain who wait the opportunity with the same alacrity and devotion; and therefore I thought it very agreeable to my duty, by this, or any other possible occasion, to cast myself at your Majesty's feet, with the confidence of a man that hath never deceived the least trust reposed in him by your Majesty, or committed any fault against you. And, therefore, presuming that I am not, by the public misfortunes, fallen in any degree from your Majesty's gracious acceptation, I am so far from begging your leave to wait on you (though it be the only happiness I am capable of in this world) that I beseech your Majesty not to vouchsafe the least thought or consideration of me, when it may collaterally give any interruption to what may else seem useful to your service; and not being able to make any alteration in myself in those opinions (which your Majesty hath heretofore allowed me the freedom of) which, I perceive, grow every day more obsolete, I think myself much fitter for contemplation than action, and flatter myself with an opinion that I am doing your Majesty some service in this excellent island, whilst I am preparing the story of your sufferings, that posterity may tremble at the reading of what the present age blushes not to execute. Amongst your Majesty's prosperous councils (since these distractions) there are very few in which you have greater cause to rejoice than your disposing this island to the government of this prudent and dexterous Lieutenant-Governor, who reduced it not with greater skill and discretion than he hath kept it. Your Majesty will easily believe every loss you have sustained in England hath increased the difficulties of preserving this, it depending and subsisting so absolutely by the trade of wool from thence, with which the manufacture of stockings is supported. And therefore, if by your Majesty's command any expedient might

[1] Col. Collins.

be found for supplying of wool from the north of England, it would be a sure way to compose all fears and apprehensions here; and a little encouragement from thence would quickly reduce the island of Guernsey, the castle being still in your Majesty's obedience. I need not present to your Majesty the importance of these two islands, being so well known to your Majesty to be a principal foundation of your sovereignty in the narrow seas. But if either the rebels should be able to gain them, or (which is worse, for whatever the rebels do get will infallibly, in God's good time, revert to the crown of England) some foreign state should possess them, upon the advantage of the civil distractions, your Majesty's loss would be unspeakable, and, in that last case, the damage to the crown of England irreparable, and which no glorious success at home would ever repair. But a very little care this winter will prevent any possible inconveniences.

God of heaven preserve your Majesty's person, in whom we all live, and your honour, the fame and renown whereof is the salvation of this world, and your conscience, upon which the hope of the next depends, and then all afflictions will be supportable. Sir,

Your Majesty's most dutiful
and most obedient servant.[1]

—*Clarendon State Papers*, vol. ii., p. 293, 4.

(V*.)

Sir Edward Hyde to the Lord Jermyn.

My Lord,

Any mention and kindness from you deserves the most formal and punctual acknowledgment from me that I can make, and therefore I must return you my own thanks for your

[1] Lord Clarendon's letter to the King, Nov. 21st, 1646, which was never delivered to him.

favour in your last to your governor, who makes very much of me, but cannot make me a grain wiser than you left me, so that you are like to have no other comfort of me than that I am in a place where I do no hurt, which, next doing good, is the most commendable quality. Study we do without your Tully, and serve God without your velvet, though we might do the first more profitably, and the other more decently, if both were supplied. I find I have a stronger faith in the Scots, for which I have not been heretofore suspected, than any of you; and if I should hear they have received the first 100,000*l.*, and appointed a day to be gone, I should not be troubled; but when they quit Newcastle out of kindness or justice to their brethren, I will be hanged. They have an advantage the King, since these troubles, can never attain to. To make propositions would undo themselves being consented to, and those are the *strategemata politica* by which they intend to do their business, and if I judge too reasonably for them, they will repent it as soon as I. I wish your Lordship a good new year, such a one as may not only repair the misfortunes of the last, but of four or five former, and carry us all back to that ill-inhabited city, which is much pleasanter than Paris, and even than Jersey itself, and for which I shall be willing to part with this blessed island. If you are so ill a courtier as to mention my duty and devotion to the Queen and Prince, you will not be discredited by any undertaking for the former innocence and simplicity, or the present very entire faithfulness of,

My good Lord,

Your Lordship's, &c.

Jersey, 1st of Jan., $164\frac{6}{7}$.

—*Clarendon State Papers*, vol. ii., p. 323.

(W.)

Articles of Association entered into between the Lords Capell and Hopton, and Sir Edward Hyde, and Sir George Carteret, for the defence of the Island of Jersey against a supposed design of the Lord Jermyn to give it up to the French.

Having continued together in this his Majesty's island of Jersey ever since his Highness the Prince of Wales, by positive command brought hither by the Lord Jermyn (contrary to our humble and earnest advice), went into France, in expectation of some opportunity of serving his Majesty, our gracious and royal master, we have received, within the space of this last month, several advertisements out of France of a design to give up this island to the French, particularly from a worthy lady who was lately at St. Germain's, that she was told by some of the ladies about the Queen that this island was to be delivered up to the French for a good sum of money, with which their wants should be relieved; then, from a very discreet and knowing gentleman, now resident at Paris, that he hath received the same information by several gentlemen conversant in the secrets of the Court, and that the Lord Jermyn was to have 200,000 pistoles for the delivery, and that he was to buy Aubigny from the owners for 50,000 pistoles, and that Mr. Cooly, secretary to the Lord Jermyn, asked a gentleman how he thought the islanders would like of it, if there should be any overture of giving it to the French. On Friday last one of us received a letter in cipher from a person of known reputation, that he heard from very good hands that the Lord Jermyn was to be made a duke of France, and to receive 200,000 pistoles, for which he was to deliver up the two islands of Jersey and Guernsey; and, yesterday, one of us received another letter from a very honest gentleman conversant in the Court there, in which he mentioned two other letters, formerly sent by him with the same advertisements (neither of which are come to us),

which were, that he understood from sure hands that the Lord Jermyn was to be made a duke, to have 200,000 pistoles for the delivery of those two islands, and that the design was that 2000 French were to be levied for the King of England's service, under a pretence of reducing the island of Guernsey under the command of the Lord Jermyn, who, under that colour, should be able to seize on both islands; that the design was so forward that ships were hiring by the Cardinal for the transportation of the men; lastly, a gentleman, who is a known creature of the Lord Jermyn's, coming lately from Paris, told us that the design of the French was visibly to make the King of England their tributary, and to assist him no farther than served for their own greatness. Being asked, Whether the Lord Jermyn believed their designs to be such? he answered, he thought the Lord Jermyn was of the same mind and desired no other.

These concurrent informations of several persons, all strangers each to other (whose names we forbear to insert, lest by any accident this paper may fall into hands whereby they may receive prejudice), together with the Lord Jermyn's total neglect of both these islands, in making provisions and sending supply unto them according to his promise, and of repaying those sums of money which were frankly lent by the islander to his Highness at his being here; besides that we had in the same manner received advertisements before of those counsels which ought to have been the most secret, as the intention of drawing the Prince into France, which was discovered by the men in that Court before the King's counsellors about the Prince heard of any such purpose, gave us just cause to apprehend the truth, at least the possibility thereof, and thereupon to consider between ourselves what would become us to do, out of our personal allegiance and relation to his Majesty and the crown of England, our duty and affection to our native country, the Protestant religion, and the laws and liberties of the English nation, the defence and maintenance of all which hath been our

only end in whatsoever we have done since these troubles.—*Clarendon State Papers*, vol. ii. p. 279, 80.

(X.)

Charles, Prince of Great Brittaine, Duke of Cornwall and Albanie, highest Captaine Generall of all his Majesties Forces, raised or to bee raised within the kingdome of England and dominion of Wales; To our right trustie and well-beloved Arthur Lord Capell, Baron of Hadham, greeting. Knowe yee, that wee, reposing speciall trust and confidence in your conduct, courage, fidelitye, and good affection to the King, our Royall Father, and to vs, doe by these presents nominate, constitute, and appoint you to bee Lieutenant-Generall of the counties of Essex, Norfolke, Suffolke, Huntingdon, and Hartford, and of all counties, cities, townes corporate, liberties, jurisdictions, and places whatsoever within the said counties, or any of them. Giving you heerby full power and authoritie to raise and leavie for his Ma^ties^ seruice, within y^e^ seve[illegible]all counties and places aforesaid, all the forces you may, both of horse and foote, and so forme the same into the bodye of an armie. And to that end to appoint and authorise all colonells and other officers necessarie for the government, conduct, and command of y^e^ said forces. And for the better and more orderly government of y^e^ same, wee heereby alsoe give you power and authoritie to settle a court of warre for the punishing of all misdemeanors and offences according to the law martiall; and to doe and execute all such other things and duties as belong to y^e^ office of a Lieutenant-Generall and to the power and authoritie given you by this commission. In the execution whereof you are to receyue order from vs, or from such Generall as wee shall appoint. Given under our hand and seale att St. Germains, the 15th of Aprill, in y^e^ 29th yeare of y^e^ raigne of y^e^ King our Royall Father. Charles P.[1]

[1] MS. in the possession of the Earl of Essex.

(Y.)

June 26th, 1648.

Ordered, that the former Order for apprehending twenty persons to be sent into Essex to the General, to be used as Sir William Massam and the rest of the gentlemen of the Committee of Essex are used, be renewed; and that Mr. Speaker have power to send out warrants to command all officers to apprehend young Mr. Capell, son and heir apparent of the Lord Capell, and other persons, to make up the said number; and in case of opposition to break open locks and doors to search for the said Mr. Capell, and such person or persons so to be apprehended; and that the Committee appointed to apprehend the said persons, do sit this afternoon; and do take speedy and effectual course for the apprehending the persons aforesaid, and sending them with all expedition to the General.

Ordered, that Bishop Wren be sent to the General to be used as Sir William Massam and the rest of the Committee of Essex are used.—*Journals of the House of Commons*, vol. v. pp. 612-13.

(Z.)

Extract from the Lords' Journals.

Upon reading the petition of Eliz. Lady Capell, wife to Arthur Lord Capell, shewing "That Arthur Capell, her "eldest son, an infant of about sixteen years, hath been lately, "by order of both or one of the Houses, sent prisoner to the "army under the command of the Lord Fairfax."

It is ordered, That this petition be sent to the House of Commons; and to let them know that this House hath given no such Order; therefore to desire that he may be returned to his mother.—*Lords' Journals*, vol. x. p. 353.

A message was sent to the House of Commons by Doctor Heath and Mr. Eltonheade.

To deliver to them the petition of the Lady Capell; and to let them know this House knows nothing of this business: therefore desire he may be released from his present restraint. —*Ibid.*

It was moved, "That a letter might be sent to the Gene-" ral, to send up the Lord Capell's eldest son to this House, he " being a prisoner, taken away from the Lady Capell."

And the question being put, "Whether to have a letter " written to the Lord General, to send up the Lord Capell's " son, now in his custody, to this House?"

It was resolved in the affirmative.

—*Lords' Journals,* vol. x. p. 361.

Ordered, That Mr. Arthur Capell shall have a pass to go to his mother; and that the Speaker write a letter to the General, to give him thanks for returning Mr. Arthur Capell.—*Lords' Journals,* p. 375.

" My Lord,

" I am commanded by the Lords in Parliament to give your " Lordship thanks for your respects to Mr. Arthur Capell, and " your ready obedience to the authority of Parliament. Like-" wise, I am to acquaint your Lordship that the Lords have " received information that Edward Elliott, a menial servant " and steward to the Lord Maynard, is taken away from his " Lordship's house in Essex by a party of Horse, and carried " to the army now with you. Therefore the desire of the " Lords is, That you would give directions that the said Edward " Elliott may be released, and be permitted to return to his " Lordship's service. This is all I have at present in command, " as

" Your Excellency's
" Humble Servant.

" Westm'r, this 11th of July, 1648."

—*Lords' Journals,* vol. x. p. 375.

(A A.)

The petitions of the townspeople were enclosed to Lord Fairfax by Lord Norwich, saying "that at the desire of the inhabitants they had thought fit to send them." And "that they "should be constrained for the better accommodation of the "soldiery, to turn out the townspeople, whereby their houses "and goods would be left liable to spoil and ruine; for prevention whereof they had thought fit to treat with his Lordship for the surrender of the town if he pleased; to which "purpose they would send six officers, if his Lordship would "appoint the like number."

The petitions enclosed were, one to the Earl of Norwich, the Lord Capell, and Sir Charles Lucas—saying, "that "having received their commands to depart the town, for better "supply of the souldiers, they might petition the Lord Fairfax "for liberty to pass into the country to prevent the danger of "their lives without his leave. They prayed their honours to "give way for their petition to be presented to the Lord Fairfax; and till they had his answer, that they might not be "inforced from their habitations."

The other petition enclosed to Lord Fairfax was that of the inhabitants of Colchester to himself, in which they desired to inform his Lordship "that the Commander-in-Chief in the "garrison had ordered all the inhabitants to provide with expedition to depart the town, or otherwise by power they "should be forced thereto, for that whatever became of the "townsmen, the souldiery who maintained the King's cause "must and shall be provided for. That being driven to this 'exigency, they have no other means but to fly to his Christian "charity and clemency, and humbly to pray that he would give "them leave to pass into the country for the preservation of "their lives.

"Subscribed by the Mayor and four Aldermen
"in the name of all the petitioners."

To the Letter the General returned this Answer.

He was willing to believe that the pressing necessities of the miserable inhabitants of Colchester had wrung from them the Petition enclosed in their letter—That he should not only clear himself to all the world from the occasion of their sufferings, but so far contribute to their relief, as to allow all the inhabitants of the town (the Lords first engaging not to restrain any who shall be willing to come out) to enjoy the liberty in their Petition desired.

Provided, the Committee of the county of Essex, then prisoners with the Lords in the town, be sent out with the first; only he shall not permit the wives and children of any townsmen, or others, who shall abide with the Lords in armes, to have the benefit above mentioned.

Concerning the condition of the town, he offers that all such officers and souldiers under the degree of a captain (excepting all such who, being members of his army, have, since the 10th of May last, deserted their colours), they ingaging themselves never hereafter to bear arms against the Parliament, shall have passes without injury offered them, to return to their respective homes. And all captains, and other superiour officers, with the Lords and Gentlemen, to submit to mercy.

Your Lordship's servant,

Subscribed THO. FAIRFAX.

—*Whitelock's Memorials*, p. 326.

(B B.)

"Articles agreed upon, the 27th of August, 1648, by and between the Commissioners of his Excellency the Lord General Fairefax on the one party, and the Commissioners of the Earl of Norwich, Lord Capell, and Sir Charles Lucas, on the other part, for and concerning the rendition of the town and garrison of Colchester.

"1. That all the horses belonging to the officers, soldiers, and gentlemen engaged in Colchester, with saddles and bridles to them, shall be brought in to Marye's Church-yard, by nine of the clock to-morrow morning, and the spare saddles and bridles into that church; and delivered, without wilful spoil, to such as the Lord General shall appoint to take charge of them.

"2. That all the arms, colours, and drums, belonging to any of the persons in Colchester above-mentioned, shall be brought into St. James's Church, by ten of the clock to-morrow morning; and delivered, without wilful spoil or embezzlement, to such as the Lord General shall appoint to take charge of them.

"3. That all private soldiers, and officers under captains, shall be drawn together into the Fryers' Yard, adjoining to the East Gate, by ten of the clock to-morrow morning, with their cloaths and baggage; their persons to be rendered into the custody of such as the Lord General shall appoint to take charge of them; and that they shall have their quarter according to the explanation made in the answer to the first quære of the Commissioners from Colchester, which is hereunto annexed.

"4. That the lords, and all captains and superior officers and gentlemen of quality engaged in Colchester, shall be drawn together to the King's Head Inn, with their cloaths and baggage, by eleven of the clock to-morrow morning; and there render themselves to the mercy of the Lord General, into the hands of such as he shall appoint to take charge of them; and that a list of the names of all the general officers and field officers now in command in the town be sent out to the Lord General, by nine of the clock in the morning.

"5. That all the Guards within the town of Colchester shall be withdrawn from the line, fort, and other places, by eight of the clock to-morrow morning; and such as the Lord General shall appoint, shall thereupon come into their rooms.

"6. That all the ammunition shall be preserved in the places where it lies, to be delivered to the comptroller of his Excellency's train by ten of the clock to-morrow morning; and all the waggons belonging to the soldiery or persons engaged, with the harness belonging thereunto, shall be brought to some convenient place near the ammunition, to be delivered to the same person by the same hour.

"7. That such as are wounded and sick in the town be there kept and provided for, with accommodation requisite for men in their condition, and not removed thence until they be recovered, or able without prejudice to their healths to remove; and shall have such chirurgeons allowed to look to them as are now in the town.

"8. That all ordnance in the town, with their appurtenances, shall, without wilful spoil, be left at the several platforms or places where they are now planted, and so delivered to his Excellency's guards that shall take the charge of those places respectively.

"9. That from henceforth there shall be a cessation of arms on both parts; but the forces within the town to keep their own guards, and the Lord General's to keep theirs, until they shall be removed to the articles aforegoing.

"Signed by us,

"The Commissioners on the behalf of his Excellency the Lord Fairefax,

"Thó. Honywood,
H. Ireton,
Tho. Rainborowe,
Edw. Whalley,
W. Bloys,
"Bram. Gurdon,
J. Sparrowe,
Isaac Ewer,
Tho. Cooke,
G. Barnardiston.

"The Commissioners on the behalf of the Earl of Norwich, the Lord Capell, and Sir Charles Lucas.

"Wm. Compton,
Ab. Shipman,
"Sam. Tuke,
Wm. Ayloffe."

(C C.)

The execution of Sir Charles Lucas has been attributed to the fact and justified on the grounds[1] of his having formerly broken his parole to Lord Fairfax. The words in Rushworth, under the date of June 20th (vol. vii. p. 1160), and in Whitelock, p. 309, are as follows:—"The Lord General sent his letter to Colchester to acquaint them that Sir Charles Lucas had forfeited his parole, his honour and faith, being his prisoner upon parole, and therefore not capable of command or trust in martial affairs. To this an answer or excuse was sent." The answer or excuse certainly was sent, but in the shape of the following indignant denial of his supposed liability to the authority of Fairfax.

For the Lord Fairfax.

My Lord,

In your letter sent by your trumpeter to my Lord Capel, and another from your Lordship to myself, you make exceptions to him concerning me, as being a prisoner still unto your Lordship. Sir, I wonder that you should question me of any such engagement, since I purchased my freedom and estate at a high rate, by a great sum of money, which I paid into Goldsmiths' Hall, for which, according to the ordinances of the two Houses, I was to enjoy my freedom and estate.

When I conceived myself in this condition, I sent a letter to your secretary, desiring him to advertise your Lordship that I had punctually performed my engagements as they stood in relation to your Lordship. Upon which I had notice from him that you accepted of my respects to you, which, truly, have

[1] "Upon the whole, it may be fairly assumed that Lord Fairfax was justified in "adopting the sentence of the court, which confirmed the view he had himself ex- "pressed, when so far back as June he gave Lucas notice that he held him "responsible for having forfeited his parole, his honour, and his faith, and that he "considered him incapable of being treated with."—*Fairfax Papers*, vol. ii. p. 58.

never been wanting to your person. But, my Lord, besides my inclinations and duty to the service I am in at present, be pleased to examine whether the law of nature hath not instigated me to take my sword again into my hand; for when I was in peaceable manner in London, there was a price set upon me by the committee of Derby House, upon which I was constrained to retire myself into my own country, and to my native town, for refuge, where, my Lord, I do remain, not your prisoner, but

Your Lordship's very humble servant,

CHARLES LUCAS.

Colchester, June the 19th, 1648.

—*Fairfax Papers*, vol. ii. p. 56.

Till the publication of the Fairfax Papers, Lord Fairfax's letter to Sir Charles Lucas, and the circumstances on which it was founded, remained unsubstantiated, and Lord Fairfax's subsequent silence on the subject created some doubt as to whether any such letters had passed. The editor of the Fairfax Papers considers that "Sir Charles Lucas' justification on the ground of having 'purchased his freedom' is altogether untenable; that the transaction at Goldsmiths' Hall simply ransomed his estate, but did not invest him with the right to bear arms against the Parliament," and "that the parole is an inevitable corollary from the fact of having been taken in arms and subsequently liberated." Without entering into the subject of whether, by general or particular usages of war, a liberated prisoner who has purchased his liberty and the repossession of his estate with money is still necessarily regarded as on parole, it is clear that Sir Charles Lucas not only met that claim with an absolute denial, but with the counter statement that he had been forced into seeking refuge in the very town that was besieged by Lord Fairfax, to avoid the consequences of a price being set on him, though he had paid for his freedom. Whether Sir Charles Lucas stated his case with unanswerable truth it may be perhaps impossible now to prove, but his assertions

were not answered by the reiteration of Lord Fairfax's pretensions to consider him as his prisoner. Lord Fairfax did not rest his justification of the execution of Sir Charles Lucas upon any grounds different to those alleged for the execution of Sir George Lisle, and the intended execution of Sir Bernard Gascoyne, either in his letter to Parliament, or in his own 'Short Memorial.' Lord Fairfax explicitly stated the reasons by which he was actuated, and by those his conduct must be judged. Lord Fairfax's right judgment or humanity may afford matter for difference of opinion, but his justification cannot be made to rest on those grounds which he did not himself allege as the reasons for his decision.

(D D.)

Letter from Earl of Manchester to Lord Fairfax.

MY LORD,

The Lords have received your letter by which you give them an account of the rendition of Colchester; have commanded me to return thanks to your Lordship for your respect to them, and also for the good service done in regaining of the said town. They further desire that you will send the Lord Goring and the Lord Capell unto Windsor Castle, with a guard for their safety; and the Lords will give order that the Governor shall receive them, and keep them in safe custody.

Your Excellency's friend and servant,

E. MANCHESTER.

31st August, 1648.

Ordered by the Lords in Parliament assembled that Col. Whichcott, the new governor of Windsor Castle, shall take into his custody the bodies of George Lord Goring and Arthur Lord Capell, and keep them in safety; being taken in actual war against the Parliament.

To the Governor of the Castle of Windsor,
or his Deputy and Deputies.

(E E.)

Resolved, That George Lord Goring be attainted of high treason, for levying actual war against the Parliament and Kingdom; and that an ordinance be forthwith prepared and brought in, for his attainder and tryal for high treason accordingly.

Resolved, &c., That Arthur Lord Capell be impeached of high treason, for levying actual war against the Parliament and kingdom; and that articles of impeachment be prepared and brought in against them accordingly.—*Commons' Journals*, vol. v. p. 695.

(F F.)

Whereas, the seventeenth of August, 1648, this House did concur with the Lords, that, for opening a way towards a treaty with his Majesty, for a safe and well-grounded peace, these votes following should be, and were, revoked and taken off, viz.:—

1. "Resolved, That the Lords and Commons do declare, that they will make no further addresses or application to the King."

2. "Resolved, by the Lords and Commons assembled in Parliament, that no application or address be made to the King by any person whatsoever, without the leave of both houses."

3. "Resolved, by the Lords and Commons assembled in Parliament, that the person or persons that shall make breach of this order shall incur the penalty of high treason."

4. "Resolved, That the Lords and Commons do declare, that they will receive no more any message from the King, and do injoin that no person whatsoever do presume to receive or bring any message from the King to both or either of the Houses of Parliament, or to any other person."

Resolved, &c., That the vote for revocation of the said votes was highly dishonourable to the proceedings of Parliament, and apparently destructive to the good of the kingdom.

Ordered, That Mr. Whittacres, Mr. Miles Corbett, Colonel Harvey, Mr. Blakiston, Mr. Challener, Mr. Love, Mr. Garland, or any two of them, do see the orders made by this house duly entered in the book, and Mr. Garland and Mr. Whittacres are to take care hereof.

Resolved, &c., That the vote of 28° Julii, 1648, 'That a treaty be had in the Isle of Wight with the King in person, by a committee appointed by both houses, upon the propositions presented to him at Hampton Court,' was highly dishonourable to the proceedings of Parliament, and apparently destructive to the good of the kingdom.

Resolved, &c., That the several votes of 10° Novembris, 1648, concerning the banishment of George Lord Goring, the Earl of Holland, the Lord Capell, Sir Henry Lingen, Henry Hastings, Esquire, now called the Lord Loughborough, Major-General Rowland Lawherne, and Sir John Owen, are destructive to the peace and quiet of the kingdom, and derogatory to the justice of the kingdom, and are hereby revoked and made null.

Resolved, &c., That the vote of 10° Novembris, 1648, 'That James Earl of Cambridge be fined the sum of one hundred thousand pounds, and that he be kept close prisoner until he make payment of the said fine,' be, and is hereby revoked, and he left to justice.

(G G.)

"The Commons taking notice that the Lords had rejected their ordinance for tryal of the King, and had adjourned their house, they sent some of their members to examine the Lords' Journal-book, and they reported to the Commons three votes passed by the Lords.

" 1. To send answer by messengers of their own.

" 2. That their Lordships did not concur to the declaration.

" 3. That they had rejected the ordinance for tryal of the King.

" Hereupon the Commons voted—

" That all their members and others appointed to act in any ordinance wherein the Lords are joyned with them, shall be impowered and injoyned to sit, act, and execute in the said several committees of themselves, notwithstanding the House of Peers joyn not with them.

" Order that the ordinance for tryal of the King, and the declaration from which the Lords dissented, and which were intended for both houses, shall now be by the Commons only, and that the former committee do sit presently, and report the alteration in the afternoon, during which time the house adjourned.

" In the afternoon the committee made their report, and the ordinance was recommitted, and to be reported again tomorrow, the Lords names to be left out, and the three Judges, and Sergeant Bradshaw, Sergeant Nicholas, and Mr. Steel, to be assistants.

" The Speaker acquainted the House with a letter he had received by the French Ambassador from the Queen, but the house would not have it read." — *Whitelock's Memorials*, p. 361.

(H H.)

The execution of Charles I. has been mentioned " in later ages by a few with unlimited praise, by some with faint and ambiguous censure, by most with vehement reprobation. . . . His offences were not, in the worst interpretation, of that atrocious character which calls down the vengeance of insulted humanity, regardless of positive law. His government had been very arbitrary; but it may well be doubted whether any,

even of his ministers, could have suffered death for their share in it, without introducing a principle of barbarous vindictiveness. . . . As for the charge of having caused the bloodshed of the war, upon which, and not on any former misgovernment, his condemnation was grounded, it was as ill-established as it would have been insufficient. Well might the Earl of Northumberland say, when the ordinance for the King's trial was before the Lords, that the greatest part of the people of England were not yet satisfied whether the King levied war first against the Houses, or the Houses against him. The fact, in my opinion, was entirely otherwise. It is quite another question, whether the Parliament were justified in their resistance to the King's legal authority. . . . The aggressor in a war is not the first who uses force, but the first who renders force necessary." In speaking of the trial Mr. Hallam continues thus:—"It was, as we all know, the act of a bold but very small minority, who, having forcibly expelled their colleagues from Parliament, had usurped, under the protection of a military force, that power which all England reckoned illegal. I cannot perceive what there was in the imagined solemnity of this proceeding, in that insolent mockery of the forms of justice, accompanied by all unfairness and inhumanity in its circumstances, which can alleviate the guilt of the transaction; and if it be alleged that many of the regicides were firmly persuaded in their consciences of the right and duty of condemning the King, we may surely remember that private murderers have often had the same apology."—*Const. Hist.*, vol. ii. pp. 306—310.

"The murder of Charles unites a variety of circumstances, clearly denoting that the disturbances, of which it was a part, could not be followed by good consequences. Little did the early assertors of parliamentary prerogative foresee that, in thirty years, the monarch would be stripped, not only of all that was guaranteed to him by the very constitution which they were defending, but even of life; and that the return to former principles would pass through such disastrous trials as those which

were preparing for it. However free this revolution was from the trammels which Catholic bigotry opposes to the progress of liberty, it was unfortunately impelled beyond its orbit by another species of fanaticism, without which the reformers would probably have stopped when they had attained the just degree of freedom suited to the nation. But experience was yet to be bought."—*Chenevix on National Character*, vol. i. p. 329.

"No tribunal in the nation could try King Charles: but none could be less competent than the Parliament, after it had been reduced by what is called Pride's purge. It then was but a mutilated representative of the nation,—a body which, even in its full vigour, had never been intrusted with the right of condemning the sovereign, and to whom its constituents had not at any time confided the sword of Justice. It never had been commissioned to assume all the functions of the state, even when it contained the strength and wisdom of all its members. No act of reason could now be expected from it; and the submission of the nation was a melancholy proof of depravity. The lamentations of the people—their sorrow at the death of the King—cannot efface the blame which is attached to the toleration of injustice; and the crime of regicide is shared, only in different degrees, by those who committed, and by those who did not prevent the deed."—*Idem.*, vol. i. p. 323.

The execution of Charles I. was certainly not approved by Lord Fairfax, as appears by the following passage:—"The most tragical and deplorable part of the civil war, the death of the King, he utterly from his soul abhorred and lamented to his dying day, and never mentioned it but with tears in his eyes."—*Epistle Dedicatory, by Brian Fairfax, to the Short Memorial of Thomas Lord Fairfax.* Dated April 22, 1699.

(II.)

From the Lord Capell to Oliver Cromwell.

SIR,

The conjectures of men are strangely various (yea, of the same persons) concerning the safety or danger of the King, my master. Sometimes their hopes, other times their fears, prevail most. I should be much ashamed if I were the least guilty of so universal an inquietude, in so justifiable an occasion, and arising from so good a ground, as a kindness and reverence they owe to their lawful *Prince*. I frankly give you leave to think (nor do I value the inconvenience it could draw along with it) that there is not that honest expedient in the world to serve him by, that I would not hazard myself in to imploy for him; nor do I know what earthly felicity it is could be so welcome to me as to advance a step beyond any other in my duty toward him. But my present condition refuseth me the ability of any thing else but that of invocating the favour of God for him; and making my addresses to you, whom I take to be the figure that gives the denomination to the sequence of a great many cyphers that follow you; and therefore I do the rather believe that a person that signifies so much will the better apprehend what weight and signification reason and religion have in all humane and Christian actions; and that those at last will make a conquest upon all those that act without their commission.

I can hardly perswade myself into (I think) the too common opinion, that the extraordinary success and felicity that hath constantly followed your attempts (who, as the saying is, seem to have hired Fortune to serve you at day wages) hath dazzled that light of understanding that formerly was usual to you. You cannot forget the advantages on the House's part, and the infirmities and wants on the King's part, at the beginning of the war; and that the complication of many favourable accidents on the part of your affairs will challenge a share in the

success; yet is there a large room, too, left for your merit in martial conduct; and you have cause enough to value yourself upon a better foundation than the event of battels and successes in war. Proverbial wisdom is not the worse because earliest learnt. It seldom happens that the same man is happy and wise together. And if that lesson also be good, that affliction makes men understand, it is the academy in which I have been strictly disciplined for seven years; so that I must either be an egregious dunce, or no ill counsellor for you; there being a person scarce to be found that lyeth under so dangerous a temptation of seeming prosperity, and therefore fittest to be advised and counselled to sobriety and wisdom. Of this I do assure you, I do so little repine at your prosperity, and easie opportunities of fixing yourself securely in it, that if you do as much justifie your love to the tranquillity of the nation by a discreet uniting the King and his people, as you have been instrumental in their long separation; I shall prize your prudence, courage, industry, and sobriety, at as high an estimate as the sufficientest wit can deliver it in language. I doubt not but that both of us are easily agreed in this point, that success legitimates not a quarrel, nor the power which supports it, neither are the instruments of the calamity of a nation thereby justified. We cannot but remember and observe, that it is no more than the filthiest and imperfectest creatures have heretofore effected, which have driven people out of their countreys, made desert islands extremely fertile. Have not frogs and locusts desolated empires? and other vermine ruined great cities and large territories? By these means God magnifies his own power and justice: the instruments remain but what they were, their nature and quality not changed. But in the acts of God's grace and favour to those who have been instrumental in defective practices there is a mutation of qualities: an ejection of those visions, and an infusion of contrary graces, and those affects and appetites which are necessary and unnatural, but misguided, are by his goodness guided to good ends. And thus was Saul, from a

furious persecutor, transformed to a zealous professor; from a destroyer of the Church to a master-builder up of it. No doubt but God in both had his ends by and upon St. Paul; and from my soul I wish it, that your case may have a similitude with his; that of him in the spiritual affair (which was the function to which he was separated) you may be a resemblance in the temporal; and from a destroyer (by God's goodness) rendered a restorer. This in passage to those other considerations I intended to you. That which weighs most and lyeth heaviest upon men's hearts, is the fear of the King's person; that the whole kingdom may lye under the imputation of the guilt of violence offered to it; and that a mutation of the form of government shall succeed it. If this be the end aimed at, then my present endeavour is to demonstrate to you how humanly impossible it is to attain unto it. First, there is no example (the necessary circumstances observed) that encourageth such an endeavour. For examine all the stories of all states, and you will not find so much as one instance (I pray observe how I propose it) that ever any people within the fifth degree (I might double the proportion), as we of England are, or in the same degree so spacious a territory, were ever transformed from a monarchy to an aristocracy or democracy. Some cities and petty principalities have sometimes suffered a change to those formes; and from thence have arrived (yet not without desperate intestine seditions and factions) to a great puissance. The people growing up and increasing with the widening of the state, the governing by multitudinous councils, through constant habit and practice, hath not alwaies ill succeeded. But to attempt to introduce such a form (which is so vitreous and brittle, and so easily carryed into distemper, tumult, and multitude, being scarce separable) upon such a huge mass of people as we of this nation are, and altogether unexpect and undesiring of it, the matter itself in reason will be found manifestly repugnant to and not susceptible of such forms; nor is there a pattern to be found to give any light of direction for the ma-

naging of such a design. Reasons may be seduced from the accidents happening this Parliament, which, well weighed and pondered, will afford matter more than enough to clear this question. Something like an example may be produced (though rarely too) that large monarchies have been cantonized. But that (I think) few have any jealousy that this is intended.

The next considerable is, that the change from the ancient and long-established rule of governing will demolish all the received rules of property: and if that inconvenience be with difficulty provided for, yet the people will not expect other but that with new lords they must have new laws: and more than probable it is that the people will be shaken into such an apprehension of it, that they may fall upon the heads of the enterprisers. We frequently see that people are hardly reclaimed from customs barbarous and unreasonable; how much less can our best nation (the best civilized the world hath known) be withdrawn from the love of laws so prudently constituted, and under which they have so long continued, that the very desires of the people are assimilated into the nature of their laws. The people and the laws will always be alike. Are their laws monarchical? So will be the affections of the people. Custom is a second nature, and in many things goes beyond it. Upon what principle, upon what authority, must such a proceeding be founded? It can be no other, but that the people have the right and power to dispose an established government, erect a new form, arraign the supream magistrate, and execute him. Herein is history silent; and it will not only be disclaimed by all those you call Cavaliers and Presbyterians, but also a considerable number of Independents: the remainder then will amount to a slender body of people. So that, whereas the pretence is, that the sense of the people is acted, nothing will prove to be a grosser mistake. But this embroilment in the state, especially upon this principle, will make all kings parties to the quarrel: yea, all states that administer aristocratically will be thoroughly engaged to defend their right of ruling. So that

there is little question, but that the greatest calamity that can befal a nation will inevitably be drawn upon us, that is a forrain invasion; and trade (which nature seems to have designed our nation most properly for) will be embarred by all kings and those states. Nor can it be expected that permission will be given to those of our nation to traffick, who derive themselves from a state, from whence they shall bring the contagion of so destructive a maxim to those rules of governing where they expect commerce. Yea, even popular states will abhor so prodigious a principle and proceeding: they having been urged by necessity to use a supreme magistrate, though for time limited, yet exempt from question and tryal, whereof the ancient state of Rome gives us frequent examples. No man, sure, is so mad as to search our chronicles for a precedent of this nature. The consideration of Scotland will have a large share in this affair; for the regal rule can receive no diminution, much less alteration here, but that it must make a notable impression on that state; and can have no other event but a disunion of the nations, the union of which hath ever been so much considered, and vehemently desired, by all our prudentest princes, and by the most fortunate martialists of them (with so much fruitless loss of blood) often attempted, yet afterwards by God's providence so happily effected, and in a most peaceable manner, to the universal contentment of all sorts in both nations. 'Tis not possible there can be an union of nations where there is a dissimilitude in the nature and form of government; for they will perpetually strive one with another. Nor can a violence on the person of the King but prepare a way to let Scotland into a quarrel undeniably just, and unavoidably necessary, for the loss of their liege lord and lawful Sovereign, and unconsulted with. To this consideration of Scotland, I'll join that of Ireland. 'Tis apparent that the army will have more than their hands full (if Scotland) slept with the vexations and difficulties that will arise here at home. For of the Commons' House (which you call) the representative of the people, an eighth part remains

not, with any countenance, for the army; nor those neither doth the awe of the army retain united to one sense. Take also into the reckoning those who have been expelled the House for adhering to the King in this war, which at least will be four or five parts more; the reclaiming part of the Lords have disclaimed to have any share in such proceeding. So that by this index of the nation you may see the spirit of the whole body of it, the nobility, gentry, all persons of distinction, and all of any competent subsistence: and I am perswaded (besides the unsuccessful tryal that hath been made of some persons practised and learned in the laws), even those of your late selected jury, or judges for the King's tryal, will fail the promoters of it. Indeed all things refuse them; and doubtless so will you too: when calmly and recollectedly you have cast your eye upon so horrible a spectacle, you cannot let it long rest there. We then thus turmoiled and disquieted, Ireland will be left to itself, or, rather worse, a prey to a forraign nation—a large kingdom, the fertilest soil of the northern parts of Europe, happy beyond England for number and conveniency of ports and havens; so that inevitably with it the destruction of the empire of this nation over the seas, and the cessation of trade, must ensue, and after it unspeakable misery and poverty to our nation, and eternal infamy to the causers of it.

Very considerable also is the fashion and shape of the proceeding which (they say) is intended against his Majesty; so ugly, monstrous, and deformed, that, when it appears upon the stage to act, the horror of it will irritate the whole nation to revenge. What? (for it is not otherwise apprehended) that a council of war of that army, that profess to act under and by the authority of the two Houses, should impose rules to judge by, and judges for those rules too, upon those whom they have professed to be their legislators; and that for the tryal (by their own acknowledgment) of the dignifiedst person of the kingdom; therefore not more than any other submittable to an arbitrary power and extrajudicial proceeding. Who is it that

after this can expect security of life, or quiet possession of any thing he hath? It is said (but who almost can believe it?) that a title is derived from revelation and inspiration: if it were but talk, it were but ridiculous, and would be thought so simple, that it would not be condemned as guilty of malice: but to act under such a notion were a plain confession that all other titles are insufficient. Nay, if it be but mingled with any other pretensions, the pestilent quality of it would poyson all the rest: and, believe it, the dropping of such expressions, by the unsobrest of those that call themselves of your party, hath incredibly discredited those who are indeed well advised. Away with it, then, as that which will bring the certainest and suddenest destruction,—as that which will enrage the whole nation to a furious vindication of themselves from being considered as such a silly generation of people that should be cousened out of their good, known, and established laws, and, in the place of them, suffer themselves to be imposed upon by imaginations and dreams, which every morning must be declared to the foregoing night's legislative power. The people do already take themselves to be scornfully marked, that they must be stigmatized with the defamation of so impious an act, as a violence offered to the life of their sacred and anointed king; and that the act of so slight a part of their trustees must redound to their shame, who, shunning the light of established rules, which would have guided them (the paths they expected they should have walked in), do in this so palpably wander from their trust, and the sense of those who trusted them; and that so inconsiderable a part of them should set up a figment of fancy to be idolized. Consider the Commons' House (if yet it may be so called) allow: (which cannot be refused) the knights to be the representatives of the shires, which truly is the main of the people, you shall not find knights for the tenth county in England—I am perswaded, not a far smaller proportion. Is it, then, possible that men shall believe against sense and evident demonstration that the people incline to you; nay, that they

are not diametrically opposite and bent against you? We read that God, as an expression of his gracious favour to his Church, hath promised that kings and queens shall be nursing fathers and mothers of his Church; but that his Church should set up ew formes or any forms of tryal, to execute their own kings and queens, is monstrous and unknown to religion, is less than an idle dream, 'tis the fiction of a dream, and so it will be esteemed not deducible out of the Sacred Scriptures, defamatory to the Christian profession, and the nearest way to introduce Paganism or Mahumetanism, their Prophet practising such delusions. So that hereby, as Christians, is all Europe engaged,—as Protestants, all of our belief, either in this or other nations. The last consideration that impedes the mutation of the government is the person of the king; which we find doth unavoidably mix it self with all the former considerations; so that the discourse of the one will not be without the aid of the other. Yet this following hath somewhat more in it. 'Tis this king, such a king, so conspicuously virtuous and sufficient; therefore it must be acknowledged that he hath a right apprehension and clear vision of the true interest of kingship, which is the peace and prosperity of his people; a prince of undaunted resolution and clear courage, therefore not vindicative, and far above base revengers. Example me in any one person of any vindication or disrespect that the king can be charged with.

I'll give you many instances of his placability and readiness to be reconciled (let me in a short parenthesis give you this advertisement: Revenge is to be doubted from the *people*, not from the *king;* he alone must be, can be your security; upon such a prince you may rely;)—a prince of exemplary devotion and sobriety, therefore dear to all persons so qualified. 'Tis this king, during whose happy dayes, (no less than seventeen years,) in which he quietly possest and ruled the scepter, such an inward tranquillity was joyn'd to such a security from without, and both accompanied with such an opulency, that no period of like time, with the like felicity, have the former ages delivered

over to us. And it is no impertinent question to ask whether ever any other nation ever enjoyed the like. I am perswaded (and that upon no ill grounds of conjecture), were it in the power of the nation to elect out of the catalogue of all their kings the spirit of which of them they would have rest upon this—if they wished him the fortune of Henry the 5th, yet they would not refuse his own virtues for the most signal of any of the former: so notable an impression doth the memory of the peaceable part of his reign make upon the affections of his people, and such an horrour and aversion hath the disquiet thereof wrought in them to any other form of rule, that they look upon their tormentors as salamanders, that only live and are cherished by the flames that have scorched them. Is it not now high time, then, to stop and make a halt? Is there not enough done to satiate the vanity and quench the thirst after military renown, when you have vanquished your compatriots and fellow-citizens, and under such a prince? Look upon the brink of what a dreadful precipice you are; and let this last, and those other considerations, be seriously revolv'd by you. To which being added those weights which your own judgment can cast into the scale, undoubtedly you will see that there is a wide distance between making a conquest over a people (of which their own differences will lay claim to the greatest share), and governing them contrary to their own appetites by so small a part of themselves; and that means are easilier found and readier at hand to desolate and disorder states, than such as shall compose and rule them, various to long ingrafted customs and their own inclinations. Invisa imperia nunquam retinentur diu. *Hated rule is never long lived.* Methinkes you cannot well avoid the observation that the most perspicacious and sagacious persons of your party, who, with a wonderful stedfastness and undismayedness, kept company with you in your counsels and affairs, and in the greatest hazards (for you have not alwaies been without such), do herein, and in this action, and in this highest time of your power and prosperity,

not only make a stop, but avowedly withdraw themselves and declare against it, no doubt but very evidently foreseeing the fatality of such an enormous and unparalell'd attempt. But the imagination that some have, that this design will be carryed on by dispatching the King out of the way, excluding the Prince and Duke of York (both now out of the realm), and setting up the Duke of Gloucester, until the people are better seasoned by this new fashion of government, is such a mockery that it cannot be believed but the most purblind understanding will see all the shapes of the design, when it stands but behind so slender a thread. This will not do the feat, nor will the people of this age be so deluded: wherein there are but too many (for the publick peace) that understand arts and policies of state, or, at least, would have it so thought. Upon the prospect of these foregoing considerations (and there want not others important) draw a short state of the whole affair; and it will be thus, or little otherwise. At the present, *you of the army* stand *high*, but *naked, unloved;* the bulk of the *people* that assists you, *small;* they are, to speak of, *all in one cluster, the army, and that not all ripe* for such designs; through the kingdom they are so thinly disseminated, that the appearance of them by the eye is scarcely discernable; and lastly, to deal frankly with you, (because their temper in your affair will make a notable impression,) for the greater number, a vertiginous and giddy generation, that will never suffer quiet to themselves, you, nor others. The opposites to these are the most prudent constituted form of rules the world hath known; a vast number of people wedded to it, the matter therefore irreconcileable, no example friendly to you, all potentates made parties against you; the certain disunion of Scotland with England; the damage and infamy for the loss of Ireland; the defamation of Christian religion, more especially of the Protestant professors; and lastly, the person of a most excellent prince, loved, reverenced, and desired by the generality of his people. Besides all these, and others that are obvious to the

commonest understandings, trust me, no mortal man can have a prevision of the future vexations which such a regicide, such a parricide will bring to the persons, affairs, and designments of the army; if a prognostick may be made by the rules of reason, by the constant course of human actions, by the conjunction of the present affairs of this kingdom. It is the certain expectation of all sober men, that Jacob followed not Esau closer by the heel, than the armies destruction will that of such an inhuman act of violence upon the sacred person of the King. What, then, in the name of God, is it that hinders you, answerable to reason, suitable to duty, and agreeable to piety, from making haste to joyn your self to the law, and to agnize that prince, whom the law and ordinance of God have set over you? Obey, then, the municipal law, under which you were born, that hath nourished and cherished you; restore it, promote it all you can; reverence that prince into whose custody God hath committed both the laws and yourself, who, I doubt not, will find it most convenient to imploy yourself and the sobrest of your party, in the eminentest administrations under Him: and verily I wish it. Nor do I think it in any degree reprehensible for you, or any other, to observe the physician's rule, Accipe dum dolet: take this opportunity of the present anguish of the King and kingdom; restore it to its former habit of quiet and peace. There is none that will grudge you such sober commodity as may arrive to you by it. But with such manner of discourses I will not detain you, lest I should thereby mis-lead you into a false opinion of me. My principles, according to the temper of these times, are very remote from *self-safety*, or to imploy ungenerous flatteries for it. Know this assuredly, that I firmly believe that an established magistracy is God's immediate minister nor can it be deposed by those that owe obedience and subjection to it, without the highest guilt of impiety; and that this is a verity so plainly held forth to us by the Sacred Scriptures (as an ordinance imployed by God for the manifestation of his power and goodness in the conservation

of human communion and society), that the conscientious sufferers for it may expect a crown of martyrdom by it. That this government is a monarchy, and his Majesty the right and lawful King, hath not a colourable objection to gain-say it. Read the act of recognition, 1 Jac., calmly done by the whole Parliament, and unanimously pursued by the whole nation, at a season and opportunity that might have encouraged pretences, if any could have been found. How happens it that the lawfulness of royal rule is questioned? Search the Scriptures. God it is that owns their charter: He it is that gave it them. "Per me reges regnant," Prov. viii. 15, not "Per nos." 'Tis no plurality they hold by. Where Solomon speaks in the person of Eternal Wisdom; thereby to advertise us of (no doubt) greater reverence and circumspection. God himself appoints Moses the first prince of the politick state of the Jews; after him Joshua, &c. Is it the title and hereditary succession of kings you look for? See, then, God himself chuseth Saul; afterwards guides the lot; lastly, follows the publication and acknowledgment of the people. Afterward, God rejects that dynasty, and by special command fixeth David; whom, by like appointment, Solomon succeeds; and from him continued that family in the rule, in the eldest son of that family. Yet is the person so sacred, so delicate, that no violent hand must come near to approach it. Wherein are the Scriptures more plain and express than in this particular, Touch not mine anointed? David, before he was a king, and persecuted by a king, "Who can" (saith he) "stretch forth his hand against the Lord's anointed, and be guiltless?" 1 Sam. xxiv. 5, 6. Multitude of texts there are, that both justifie the dignity and enjoyn reverence to the person. And conformably it hath been the avowed doctrine and practise of the Church in all ages, even under heathen princes. 'Tis an argument too copious for a paper to contain the reasons and instances for it; rather, indeed, is it too manifest to be disputed. Hath not God coupled the fear due to Himself with the duty of reverence

toward the king? Prov. xxiv. 21, 22. 'My son, fear thou the Lord and the king (in conjunction); meddle not with them that are given to change.' Mix not with such machinators; for a like end shall be to the offenders against both,—destruction.

Sir, my conclusion shall be very plain, because you may thereby be the better assured of my sincerity in all the rest. The antient constitutions and present laws of this kingdom are my inheritance and birthright: if any shall think to impose upon me that which is worse than death, which is the profane and dastardly parting from these laws, I will chuse the less evil, which is death. I have also a right in kingship, the protector of those laws: this is also, by a necessity and conjunction with that other, dearer to me than life. And lastly, in this king is my present right, and also obligations of inestimable favours received from him. I would to God my life could be a sacrifice to preserve his. Could you make it an expedient to serve that end, truly I would pay you more thanks for it than you will allow yourself for all your other merits from those you have most obliged, and dye

Your most affectionate friend.

Post script. Sir,—I add this post-script. When with the most unheard of and highest violation of all laws, human and divine, of morality and sanctity, both upon the person of the king and municipal laws of the kingdom, so execrable an act is perpetrated, let the profit of it to the actors be summed up, it amounts to nothing more than this, that a king is escaped out of their present possession; but the succeeding king, obliged by all the tyes of religion, nature, duty, and honour; encouraged with all the irritations of this nation, Scotland, and Ireland; fortified by the interests of all Christian princes and states, to animate and aid him for his revenge upon the actors. I am not guilty of so implacable and inveterate malice as to wish that the contrivers of this villany might pursue a counsel

that shall draw such sharp revenges and infallible destruction upon themselves. But truly I think that those who have been or are their veriest friends, and who have any light of understanding or motions of conscience, will never forgive them so outragious a folly, madness, and wickedness. I must confess the present proceedings torment me with terrible apprehensions. But truly, I cannot make myself believe, that God will permit the devil to draw Christian Protestant professors unto the consummation of so detestable and impious a fact. God of his infinite mercy prevent it!

Enclosed in a letter thus :—

Sir,—This *short* letter hath no other errand but to excuse that *longer*, which is inclosed. I pray read it over, though it comes from a person that is not proper to apply himself to you, and using an instrument (a pen) not suitable to my genius. But believe it, 'tis the extremity of this present occasion extorts it from me. God guide you, and recal you, if you are engaged in this horrid proceeding.

I rest, Sir, your humble servant.

Tower, Jan. 15, 1648.

(J J.)

S. P. O. Council of State, Order Book, vol. ii., p. 226.

Die Martis, 6 Novemb. 1649.

Lo. Prest. Bradshaw.	Lo. Grey.	E. of Pembroke.
Mr Bond.	Mr Purefoy.	Sir John Davers.
Sr William Armyne.	Mr Scott.	Sir Wm Constable.
Mr Holland.	Mr Stapeley.	Sir James Harrington.

(15.) That Twenty pound be payed unto the Waterman who discovered the Lord Capell, and that he be recommended unto the Committee of the Admiralty for some employment.

(K K.)

A List of the Names of the Judges of the High Court of Justice, for the Tryal of James E. of Cambridge, Henry Earl of Holland, George Lord Goring, Arthur Lord Capel and Sir John Owen, K^t.

Appointed by an Act of the Commons of England, in Parliament assembled.

John Bradshaw, serg^t-at-law.
Rich. Keable, serg^t-at-law.
Jo. Pulliston, serg^t-at-law.
Matthew Shepheard.
Will. Underwood.
Jo. Hayes.
Geo. Langham.
Geo. Manley.
Jo. Langley.
Sam. Moys.
Morris Tompson.
Richd. Shute.
Mark Hildersley.
Thomas Allen.
Daniel Taylor.
Edmund Warring.
Nathanael Lacey.
Jo. Stone.
Cornelius Cook.
William Wybeard.
Jo. Blackwell, Esq.
James Prince.
Nathanael Whittam.
Silvanus Taylor.
Thomas Ayres.
Edward Cresset.
William Penoyre, Esq.
Sir Edw. Backham, barrester.
Ralph Harrison.
Maximillian Beard.
Sir William Roe.
Fras. Hacker, Esq.
Jo. Whitby.
John Harrison.
Richard Downes Sparrow.
William Webb.
Thomas Cook.
Robt. Fitchbourn.
George Cooper.
Owen Roe.
Thomas Pride.
Jo. Huson.
Thomas Sanders, Esq.
Thomas Fitchbourn, Esq.
Thomas Andrews, alderman.
William Spence.
Nicholas Martin.
Josias Barnas Hardwick.
Robert Horwood.
Stevin Estwick.
Thomas Nowell.
Thomas Arnold.

Thomas Browne, Esq.
Thomas Ayre.
William Barlet, Esq.
Sir Jo. Throughgood, Kt.
Vincent Potter.
William Parker.
Solomon Smith Hubberd, Esq.
Sir Rich. Saitingstall, Esq., Kt.
Sampson Sheffeild, Esq.

(L L.)

Extract from 'Short Memorials of Thomas Lord Fairfax, written by himself.' 8vo., 1699, p. 121.

"It is fit for me in this place to say something, for my own vindication, about my Lord Capel, Sir Charles Lucas, and Sir George Lisle, who were prisoners at mercy upon the rendring of Colchester, seeing some have questioned the just performance of those articles. I laid seige to the town and made several assaults, but, finding their forces within much more numerous than those I had without, I was forced to take another course in blocking them up, and, by cutting off all supplies, to bring them to a surrender, which, after four months close seige, they were compelled to, and that upon mercy, being in number three or four thousand men; and delivering upon mercy is to be understood that some are to suffer, the rest to go free. Immediately after our entrance into the town, a council of war was called, and those fore-named persons were sentenced to die, the rest to be acquitted. This being so resolved, I thought fit, notwithstanding, to transmit the Lord Capel, the Lord Norwich, &c., over to the Parliament, being the civil judicature of the kingdom, consisting then both of Lords and Commons, and so most proper judges in their case, who were considerable for estates and families; but Sir Charles Lucas and Sir George Lisle, being mere soldiers of fortune, and falling into our hands by chance of war, were executed; and in this I did nothing but according to my commission and the trust reposed in me. But it may be objected I went into the

Court during the trial; to which I answer, it was at the earnest request of my Lord Capel's friends, who desired me to explain there what was meant by surrendering to mercy. Otherwise I had not gone, being always unsatisfied with these courts. For this I need say no more, seeing I may as well be questioned for the articles of Bristol, Oxford, Exeter, or any other action in the war, as this."

(M M.)

The Council of State was to consist of 38 persons, viz. Earl of Denbigh, Mulgrave, Pembroke, Salisbury; Lord Grey, Fairfax, General Grey of Groby, Lord L'Isle, Rolles, St. John, Wilde, Bradshaw, Cromwell, Skippon, Pickering, Massam, Haselrigg, Harrington, Vane jun., Danvers, Armini, Mildmay, Constable, Pennington, Wilson, Whitelock, Martin, Ludlow, Stapeley, Heveringham, Wallop, Hutchinson, Bond, Al. Popham, Valentine, Walton, Scot, Purefoy, Jones.

Their powers were—

1. To command and settle the militia of England and Ireland.
2. To set forth such a navy as they should think fit.
3. To appoint magazines and stores, and to dispose them, &c.
4. To sit and execute the powers given them for a year.

—*Whitelock*, p. 376.

(N N.)

Resolved,—That Sir Henry Mildmay and Mr. Gordon be sent from this House down to the General, to take notice of his great service to the Parliament and kingdom in this siege, and regaining into the hands of the Parliament the town of Colchester, and of his careful and prudent managing of that business, to the least damage of the town and country that might be, and to render him the thanks of this House, and by him to his officers and soldiers.

Ordered,—That letters of thanks be prepared and sent to the gentlemen of Essex and Suffolke, for their ready assistance and great patience, freely bestowed towards the reducing of Colchester.—*Commons' Journals*, vol. v. p. 695.

(O O.)

An Epitaph upon James Duke of Hamilton.

He that three kingdoms made one flame,
Blasted their beauty, burn't the frame,
Himself now here in ashes lies,
A part of this great sacrifice:
Here all of HAMILTON remains,
Save what the other world contains.
But (reader) it is hard to tell
Whether that world be Heav'n or Hell.
A Scotchman enters hell at 's birth,
And 'scapes it when he goes to earth,
Assur'd no worse a hell can come
Than that which he injoy'd at home.
How did the Royall Workman botch
This Duke, halfe-English and halfe-Scotch!
A Scot an English earldom fits
As purple doth your marmuzets—
Suits like Nol Cromwell with the crown,
Or Bradshaw in his scarlet-gown.
Yet might he, thus disguis'd (no lesse),
Have slip't to heav'n in 's English dresse,
But that he, in hope of life, became
This mystick Proteus, too, as well
Might cheat the devill, 'scape his hell,
Since, to those pranks he pleas'd to play,
Religion ever pav'd the way,

Which he did to a faction tie,
Not to reforme but crucifie.
'Twas he that first alarm'd the kirke
To this prepost'rous bloody worke—
Upon the King's to place Christ's throne,
A step and foot-stoole to his own;
Taught zeale a hundred tumbling tricks,
And Scriptures twin'd with politicks;
The pulpit made a juglers-box,
Set law and gospell in the stocks;

. . . . . .

And Presbyters a way did find
Into the world, to plague mankind.
'Twas he patch't up the new divine,
Part Calvin and part Catiline;
Could, too, transforme (without a spell)
Satan into a Gabriel;
Just like those pictures, which we paint
On this side Fiend—on that side Saint.

(P P.)

Earl Bathurst to the Duke of Wellington.

7th July, 1815.

Although your Grace has stated distinctly that the convention entered into by you and Marshal Prince Blücher on the one hand and certain French authorities on the other, upon the 3rd instant, while it decided all the military questions, had touched nothing political; and although it cannot be imagined that, in a convention negotiated with these authorities by Prince Blücher and your Grace, you would enter into any engagement whereby it should be presumed that his Most Christian Majesty was absolutely precluded from the just exercise of his authority in bringing to condign punishment such of his sub-

jects as had, by their treasonable machinations and unprovoked rebellion, forfeited all claim to his Majesty's clemency and forbearance; yet, in order that no doubt should be entertained as to the sense with which this article is considered by the Prince Regent, in conveying his entire approbation of the convention, I am commanded to state that his Royal Highness deems the 12th article of it to be binding only on the conduct of the British and Prussian commanders and the commanders of such of the allies as may become parties to the present convention by their ratification of it.

The Duke of Wellington to Earl Bathurst.

Paris, 13th July, 1815.

I have had the honour of receiving your Lordship's letter, marked separate, of the 7th inst., regarding the convention of the 3rd.

The convention binds nobody, excepting the parties to it, viz. the French army on one side, and the allied armies under Marshal Prince Blücher and myself on the other; and the 12th article cannot be considered, and never was intended, to bind any other persons or authorities whatever, unless they should become parties to the convention.—*Dispatches of the Duke of Wellington,* vol. viii. p. 206.

(Q Q.)

"Next was my Lord Capel brought to the scaffold, much after the manner of a stout Roman. He had no minister with him, nor shewed any sense of death approaching, but carried himself all the time he was upon the scaffold with that boldness and resolution as was to be admirred.

"He wore a sad-coloured suit, his hat cocked up, and his

cloak thrown under one arm. He looked towards the people at his first coming up, and put off his hat in manner of a salute. He had a little discourse with some gentlemen upon the scaffold, and passed up and down in a careless posture.

" He went to the front of the scaffold, and, leaning over, made a speech to the people. He said he dyed a Protestant, according to the religion profest in the Thirty-Nine Articles, the best he knew of.

" That he was condemned for keeping the Fifth Commandment, written by God's own finger, which commanded to obey magistrates; and he died for obeying his King, the most religious of all princes, and his son Prince Charles, who he said was king, and the rest of the King's children heirs to the crown.

" He concluded with a desire to the people to pray for him; and, after a short discourse with some on the scaffold, he spake once or twice to the executioner, and gave him money; then he put off his cloak and doublet with much confidence, and put on a white cap, took leave briefly of the gentlemen on the scaffold, and prepared for the block.

" Where laying himself down, with hands and eyes lifted up, he prayed a while. After that, fitting himself to the block, upon the signal of stretching forth his right hand the executioner severed his head from his body at one blow, which were coffin'd up and carried away."—*Whitelock's Memorials*, p. 379.

(R R.)

Premises settled upon Lady Capell for life, by Sir Arthur Capell, grandfather to the Lord Capell, by conveyance, dated the fifth day of November, in the 3rd year of King Charles, 1627:—

1. The manor of Rayne, otherwise called Rayne Hall, and the advowson of the parish church of Rayne, in the county of Essex, and the grounds there called Bocking Wood.

2. The scite and demesnes of the manor of Gooderston in the county of Norfolk, with the mills, fouldcourse, and warren of conies, to the said manor belonging.

3. The scite, demesnes, liberty of fouldcourse, and mills of the manor of Icklingham Berners, in the county of Suffolk.

4. One annuity or rent-charge of 200*l.* per annum, out of the manors of Little Hadham and Walkerne, in the county of Hartford.

5. There was likewise settled upon her, by the said conveyance, the scite and demesnes of the manor of Burghe Margarett, in the said county of Norfolk, with the marshes called Winckle Marshes; but she joining in the sale thereof, in lieu of the same, by conveyance, dated the 24th of May, 11 Caroli, 1635, the scite and demesnes of the manors of Great and Little Fraimsham, in Norfolk, and the farm called Blakeend farm, in Essex, were settled upon her for her life.

All these manors and lands following came to her by conveyance or descent, after the death of the said Sir Charles Morison her father:—

1. The manor of Parkebury, *alias* Meryden, in the county of Hertford, was settled by the said Sir Charles Morison, by conveyance, dated 6th May, 6 Jacobi, to himself and the Lady Mary his wife, for their lives, and after to the right heirs of the said Sir Charles.

2. The rectory and parsonage impropriate of Watford, in the said county of Hertford, and the advowson of the vicarage there, were settled by the said Sir Charles, by indenture, dated 6th May, 6 Jacobi, upon himself and his said wife, for life, and after to his right heirs.

3. The manor of Cayshoe, *alias* Cayshoebury Grove, with the appurtenances Whippenden Grove and Cashobury Grove, in the said county of Hertford, were settled by the said Sir Charles, by conveyance, dated 20th October, 16 Jacobi, to himself and his said wife for life, and after to his right heirs.

4. The manor of Greisly Bevall and Selston, in the county of Nottingham, and a rent of 16*l.* per annum out of the town of Darby, were settled by the said Sir Charles, by conveyance, dated 5th Nov., 3° Caroli, upon himself for life, and after to his daughter, Eliz^th^. Moryson, for life, &c.

5. The scyte, circuit, and precinct of Whyte Friers, London, with divers houses and wharfs thereto belonging; the third part of the manor of Bushy Tooleis farm and Levesden wood, in the county of Hertford, were all settled by the said Sir Charles, by conveyance, dated 13th Nov^r^., 3 Caroli, upon himself and his said wife for their lives, and after to Elizth. Morison his daughter.

6. The park grounds called King's Langley Park, in the county of Hertford, was found, by office, to descend and come after the death of the said Sir Charles to Elizth. his daughter and sole heir.

7. The house and scite of the late Abby of Wardon, in the county of Bedford, with divers lands thereto belonging, being a lease for divers years yet to come, was, by conveyance, dated 13th of Nov^r^.—3° Caroli—settled upon feoffees in trust, to the use of him, the said Sir Charles, for life, then to the Lady Mary his wife, for life, and after to Elizth. Moryson his daughter, and the heirs of her body, during the whole term therein then to come. By two offices, found after the death of the said Sir Charles, 6° Caroli, the said Elizth. was found to be his sole daughter and heir, and of the age of 17 years and more at the time of his death, and all the said several conveyances and descents found in the said offices, except the indenture of Tr..... of the lease of Wardon.[1]

[1] Commons' Journals, vol. vi. pp. 203, 204.

(S S.)

S. P. O. Composition Papers, 1st Series, vol. xiii. p. 28.

Petition of Arthur Lord Capell, 6 *Feb.*, 1650-1.

To the Honorable the Commissioners for Composicons, &c. The humble peticon of Arthur Lord Capell

Sheweth,

That upon the marriage of the late Lord Capell your Petrs father, by Indenture bearing date 5o Novemb. 1627, and by fine thereupon, the mannors of Little Hadham and Walkerne, in com. Hertford, *inter alia*, were, by Sr Arthur Capell, your Petrs greate grandfather, soe setled that the said late Lord Capell had but a bare estate for life, with ye imediate inheritance in your Petr and the heires males of his body, your Petr being borne during the life time of the said Sr Arthur Capell, his greate grandfather, and in whose life time the said remainder in tayle was vested and settled in your Petr.

That the said mannors and lands were seized by the Trustees named in the Ordinance bearing date 5o Junij. 1648, for the raising of 50,000*l.* for the releife of Ireland, unto whome the estate of the late Lord Capell was, amongst others, disposed of towards that use by the said Ordinance.

That your Petr, conceiving himself prejudiced thereby, for his releife therein did exhibitt his Peticon to the Hon. House of Parlt; that upon the said peticon it was, by order bearing date 25 July, 1649, referred to the said Trustees for Ireland to examine the trueth of the Petrs case, and to heare and determine the same, and to doe justice therein, as by annexed appeare.

That in pursuance of that Order the said Trustees, takeing your Petrs case into consideracon, and upon perusall of your Petrs evidence, by their Order of the third of August, 1649, discharged theire agents from any further intermedling with the said estate, and left your Petr to receive ye rents accrued and growne due since the death of his said father.

That your Honors Comrs in the county of Hartford, not

takeing notice of your Petrs estate therein, nor of the said order of discharge, have lately seised the said mannors and secured the rents of the same as the estate of your Petrs father.

Your Peticoner humbly praieth that the said seisure may bee discharged, & that he may receive the benefitt of all the said mannors and lands soe settled, according to the said conveyance, refference, & order above menconed.

And your Peticoner shall pray, &c.

ARTHUR CAPELL.

A Perticular of ye Estate of Arthur, now Lord Capell, settled upon him by his greate grandfather, wherein ye late Lord Capell, his father, had but a bare estate for life, wth the immediate inheritance in ye now Lord Capell and ye heires males of his body, &c., and thereupon, by vertue of an Order of Parliament directed to ye Trustees for Ireland, discharged ye sequestracon of and from ye mannors, &c., hereunder menconed:—

HERTFORD.

The Manor and Lopp of Little Hadham, with ye rights, members, and appurtenances thereof, in ye county of Hartford, lyeing in ye parishes of Little Hadham, Albury, Starford, and Farnham.

The Manor and Lopp of Walkern, with ye rights, members, and appurtenances thereof, and ye advowson of ye parish church of Thatchworth; als Datchworth, lyeing in ye parishes of Walkerne, Bennington, Greate Munden, Little Munden, Yardley, and Thatchworth; als Datchworth, in ye said county of Hertford.

ESSEX.

The Manor of Stebbing and Porters Hall, wth the rights, members, and appurtenances thereof, in Stebbing, in ye county of Essex.

SOMERSETT.

The Manno^r of Wrington, w^th y^e rights, members, and appurtenances thereof, and y^e advowson of y^e parish church of Wrington, in y^e county of Somersett.

ARTHUR CAPELL.

Indorsed 6° *Feb.* 1650.

The order of the Trustees for the Relief of Ireland, dated 3 Aug. 1649, referred to in the Petition, directs their agents "to forbeare any further intermedling with the Mannors and Lordships of Little Hadham and Walkerne in the county of Hertford, Stebbing and Porters Hall in the county of Essex, and Wrington in the county of Somersett, with their members and appurtenances, and the advowsons of the churches of Thatchworth, als Datchworth and Wrington, and all other lands, tenements, &c., of Arthur, late Lord Capell, in Little Hadham, Albury, Stortford, Farnham, Walkerne, Bennington, Great Munden, Litle Munden, Yardley, Thatchworth, als Datchworth, or elsewhere in the county of Hertford."

The following letter having been purchased by the British Museum since the 'Life of Lord Capell" and its Appendix had passed through the press, it was not in time to be inserted in what would appear to be its more proper place. Though it is without date of year, the events alluded to sufficiently mark the time at which it must have been written. On the 3rd of April, 1643, Lord Capell first issued his proclamation as Lieutenant-General for Shropshire and other counties (above, vol. i. p. 270). Three days afterwards this letter was probably addressed to Prince Rupert, and announces the intentions which Lord Clarendon thus describes as

fulfilled. "Lord Capell quickly engaged those parts in "a cheerful association, and raised a body of horse and "foot that gave Sir William Bruerton so much trouble "at *Nantwich*, that the garrison at Chester had breath "to enlarge its quarters and to provide for its own secu- "rity" (vol. i. p. 271).

Letter from Lord Capell to Prince Rupert.

May it please your highnes,

The probabylity of your coming into these parts wilbe a very greate comfort to all that wish well to his Maiestyes affayers; and for my owne part, did not my owne apprehensions make mee very confident that it would be very advantagious for his Maiesty, and honerable for your highnes, I would not presume to inuite your highnes soe much as to thinke of it. The towne of Namptwich is not naturally stronge, and the defenses but ordinary, and such as were suddenly made. Brewerton hath lately receued loss of men and reputation att Warrington, and I heare (though I doe not confidently beleue it, hee is retorned to Namptwich);[1] when I heare the certaynty of it, I shall imediatly acquant you with it. It is very confidently spoken here, and of diuerse Cheshire gentilmen that I haue spoken with, that all the wealth of Cheshire is brought into that towne, both of those that are of there owne party, and what they haue plundered. The purchas of it wilbe a very good bargaine. After it there is nothing to be done in Cheshire, and by it the Lord of Derby party in Lancashire wilbe joyned to your army, and such as I shall be able to attend you with, if I shall haue the honor to receue your comands. S^r^ I beseech you giue mee leaue to speake my owne apprehension of this busines (which I shall humbly leaue to your wisdome to bee considred of), that, if it please God to giue good success to the attempt of Namptwich (of which in all humane reason there noe cause to doubt),

[1] *Sic.*

Manchester wilbe noe difficulte matter to your hignes, the forces that attend you and those that the Earle of Derbey will bringe to you; and after that, betweene Oxford and Scotland, the King's affayers will haue litell impediment, and the coniuncture of all these forces wilbe enough to master all the kingdome. I humbly begg your pardon, and rest to

Your highnes

A most humble seruant,

ARTHUR CAPELL.

6 Aprill. From Shrewsberry.

Amongst the many still unpublished letters in the "Benett Collection," which has been edited and embodied in Mr. Eliot Warburton's work 'Prince Rupert and the Cavaliers,' there are seven other letters of Lord Capell's mentioned in the "Index and Abstract of Correspondence," most of which appear to relate to his military movements during his command as Lieutenant-General for Shropshire and other counties.

LIFE OF WILLIAM SEYMOUR,

MARQUIS OF HERTFORD,

AFTERWARDS

DUKE OF SOMERSET.

"Men in great place are thrice servants; servants of the sovereign or "state, servants of fame, and servants of business; so as they have no "freedom, neither in their persons, nor in their actions, nor in their "times."

LORD BACON, *Essay on Great Place.*

LIFE OF MARQUIS OF HERTFORD.

CHAPTER I.

Birth and parentage of William Seymour — He succeeds his grandfather in the Earldom of Hertford — He is admitted at Magdalen College, Oxford — He proposes marriage to Lady Arabella Stuart — The Privy Council take cognizance of the matter — The King gives his consent — They are secretly married — They are in consequence imprisoned — They petition the King and the Council, without success — Letter from Lady Arabella to her husband.

William Seymour, Marquis of Hertford, Viscount Beauchamp, and afterwards Duke of Somerset, was born in the month of September, 1588. He was the second son of Edward Lord Beauchamp and of Honora, daughter of Sir Richard Rogers, of Brianston, Dorsetshire, and grandson of Edward Earl of Hertford. Edward Earl of Hertford had fallen under the heavy displeasure of Queen Elizabeth, on account of his marriage with her own cousin, Lady Catherine Grey, daughter of Henry Grey, Duke of Suffolk, and Frances, daughter of Charles Brandon, Duke of Suffolk, and of Mary, daughter of Henry VII.[1] For this offence he

[1] Henry VII.

Mary, Q. of France, and Dss. of Suffolk. = Charles Brandon, Duke of Suffolk.

Frances, Marchioness of Dorset and Duchess of Suffolk. = H. Grey, Marquis of Dorset and Duke of Suffolk.

Catherine Grey. = Edward Seymour, Earl of Hertford.

had been fined 15,000*l.* in the Star Chamber, and suffered nine years' imprisonment in the Tower.[1] On the 26th of January, 1567-8, Lady Catherine died,[2] leaving two sons, Edward and Thomas. Some time after her death terminated her husband's long confinement, but in the existence of her children she bequeathed a fresh source of jealousy from the Crown to the house of Seymour.

The course pursued by Elizabeth had been arbitrary and unjust in the extreme towards her cousin and Lord Hertford; yet, strange as it may seem, Lord Hertford, forgetful of the sufferings he had himself endured from such conduct, evinced in after years a spirit of similar harshness towards both his son and his grandson, on the occasion of their marriages.

Lord Beauchamp had privately married Honora, daughter of Sir Richard Roger, Knight:[3] whether Lord Hertford regarded this match as inferior to his son's pretensions, or, whether he feared to incur the Queen's displeasure for his son having taken such a step, may not now be easy to determine, but, unmindful of the sacred obligations of marriage, he took measures to separate him from his wife, and kept them apart. This severity was perhaps not displeasing to the Queen and

[1] He was fined 15,000*l.* for a triple crime—5000*l.* for having seduced a virgin of the blood-royal in the Queen's house, 5000*l.* for breaking his prison, and 5000*l.* more for having again visited his wife.—Vide Ellis, 'Original Letters,' Second Series, vol. ii. p. 272.

[2] Lord Hertford afterwards married Frances Howard, sister to the Lord Admiral, Charles Earl of Nottingham, who died s. p. in 1598. His third wife was Frances, daughter to Howard Viscount Bindon, widow of Henry Franel, citizen of London. Died s. p.

[3] Of Brianstone, in the county of Dorset.

Council, whose anger Lord Beauchamp had also provoked by having married without the royal consent.

Lord Beauchamp determined if possible to make his peace with the Queen as well as with his father, and to seek their forgiveness in person. For this purpose he quitted the country, where he had been ordered to remain, and proceeded as far as Reading, at which place his father caused him to be seized by one of his servants, and there detained.

Lord Beauchamp immediately addressed a submissive letter to the Lord Treasurer, which is curious as a picture of the despotic rule at that time exercised not only by the Queen over her subjects, but by parents over their children.

Lord Beauchamp's Letter to the Lord Treasurer.[1]

"My Lord,

"Having sought my Lord my father's good-will this long while, hoping by my dutiful means I might have obtained his favour, and finding his Lordship to deal harder, to the end he might weary me, hoping thereby in time to bring me not to care for my wife, whom I am bound in conscience, as well by God, God and his law, to love as myself, I was determined to come to your Lordship, whom I have found my good Lord and honourable friend; meaning so to submit myself to her Majesty by your Honour's means, and also to the rest of her Majesty's Council, hoping that first her Majesty, whose faithful and loyal subject I am, to spend the best blood of my body as well in cause private as public, (if it should please her Majesty so to command me,) as also your Lordship, with the rest of her Majesty's Privy Council, would grant me the benefit of the laws of the realm.

[1] Strype's 'Annals of the Church,' vol. iii. part i. p. 508.

"Coming on the way, I was stayed at Reading by my Lord my father's man; desiring your Honour's favour so far that I might not be injured by any my Lord my father's men, though hardly dealt with by his Lordship himself, considering how dutifully I have used myself. I hope your Honour will consider of my case, and suffer me to take no wrong, so long as I am a faithful and true subject.

"I understand of certain, before I would attempt to depart, that her Majesty should say of me I was no prisoner of hers; and also your Lordship, with the rest of the Council, should answer my wife that you would impute it no offence if I sought to enjoy my wife's company. Most humbly craving to hear something from your Honour, I commit your Lordship to the tuition of the Almighty.

"From Reading, the 9th Aug. 1585.

"Your Honour's to command,

"EDWARD BEAUCHAMP."

It is to be presumed that this address to the mercy of the Queen and Council was successful, as Lord and Lady Beauchamp appear to have afterwards lived together, and to have had a family consisting of three sons and one daughter — Edward, William, Francis,[1] and Honora.[2] Lord Beauchamp died July, 1612.[3] His eldest son, Edward, was made Knight of the Bath at the creation of Charles Prince of Wales. He married, July, 1609, Anne Sackville, daughter of the Earl of Dorset, by whom he had one son and two

[1] Francis, afterwards created Lord Seymour of Trowbridge.

[2] Honora married Sir Ferdinand Dudley, K.B.

[3] Lord Beauchamp was buried at Great Bedwin, and upon his gravestone is a brass plate with this inscription :—

"Bellocampus eram, Graiâ genetrice, Somerus,
Tres habui natos, est quibus una soror."

daughters. They all three died as infants, and in 1620 he died, without leaving issue.

Thus, by the successive deaths of his father, his nephew, and his elder brother, William Seymour became heir apparent to his grandfather, and in 1621, on the death of Edward Earl of Hertford, succeeded to his title and estates.

The earliest information that is to be found respecting the education of William Seymour is, his admission at nineteen years old, with his elder brother, as Bachelor of Arts at Magdalen College, Oxford,[1] December, 1607. It was just two years after this period that he was destined to become the hero of a tragic romance in real life, as replete with adventure and as sad in its catastrophe as any which imagination could devise. The loves of William Seymour and Lady Arabella Stuart, the secret marriage, the discovery, the imprisoning, the flight and its disastrous consequences, would supply ample materials for one of those popular tales where historical events form but the skeleton on which feelings, motives, words, and even added incidents, are wrought according to the taste and skill of the writer.

But the province of biography is to deal with facts, and is necessarily bound within the strict limits of historic truth; it affords no scope for dilating on circumstances, or explaining of motives, or painting of emotions which have not been well attested; and the interest to be derived from historical narrative must depend on the

[1] Wood's 'Athenæ Oxon.'

conviction of its reality and accuracy, not on the imagination or eloquence of the narrator. Fortunately, the adventures of William Seymour and Arabella Stuart have been preserved, though in various and scattered documents, with considerable detail, and but few and unimportant links are wanting in the chain of their romantic tale.

It was in the month of February, 1609-10, that the first notice is to be found of Lady Arabella having incurred the King's displeasure, and having been restored to favour: it is possible that this notice, though expressed in very obscure terms, alluded to some intended marriage, of which he disapproved, or perhaps to some idea of Catholic intrigues which had disturbed the peaceful relations between James and his cousin. All that is known is, that Mr. Chamberlayne writes thus from London to Sir Ralph Winwood,[1] in a letter dated February 13:—"The Lady Arabella's "business (whatsoever it was) is ended, and she restored "to her former place and grace. The King gave her "a cupboard of plate, better than 200*l.*, for a new-"year's gift, and 1000 marks to pay her debts, besides "some yearly addition to her maintenance,[2] want "being thought the chiefest cause of her discontent-

[1] Sir R. Winwood was one of the Principal Secretaries of State to James I., and at that time ambassador to the United States, resident at the Hague.

[2] James had ordered a yearly allowance to be made to Lady Arabella, on account of her relationship to him, on first coming to the throne. Lady Arabella was the daughter of Charles Stuart, Duke of Lenox, and of Elizabeth Cavendish. This Duke of Lenox was brother to Henry Darnley, father of James I.—Vide Appendix A.

" ment, though she be not altogether free from sus-
" picion of being collapsed."[1]

Two days afterwards, February 15, 1609-10, Mr. Beaulieu[2] writes thus to Mr. Trumbull:[3]—"The "Lady Arabella, who, as you know, was not long " ago *censured for having, without the King's privity, " entertained a motion of marriage*, was again, within " these few days, deprehended in the like treaty with " my Lord of Beauchamp's second son, and both were " called and examined yesterday at the court about it. " What the matter will prove I know not; but these " affectations of marriage in her do give some advantage " to the world of impairing the reputation of her con-" stant and virtuous disposition."[4]

Whether Beaulieu and Chamberlaine both alluded to the same subject of royal displeasure is by no means clear, nor is it certain whether, as Beaulieu's words would seem to imply, he meant that Lady Arabella had been censured for having recently entertained the thought of marriage, first with some person whose name is not mentioned, and then with Lord Beauchamp's second son. One thing, however, seems certain,—that whatever might be the offence that occasioned Lady Arabella to be called before the Privy Council, she received at that time the King's permission to bestow herself upon any subject of his whom she might think fit to choose as her husband; a permission which

[1] Winwood's 'State Papers,' vol. iii. p. 117.

[2] Secretary to Sir Thomas Edmonds in his embassies to the Archdukes and the French King.

[3] Resident at Brussels.

[4] Winwood's 'State Papers,' vol. iii. p. 119.

led the parties now concerned to believe themselves free to enter into a contract of marriage, and which rendered the subsequent conduct of James more cruel and unjustifiable.

There seems to have been but little if any attempt at secrecy in the matter "of this treaty with my Lord "of Beauchamp's second son," for, within eight days of the time when first the subject of marriage was broached by Seymour to Lady Arabella, he was summoned to the Privy Council, and called upon for explanation of what had occurred. His written statement is happily preserved, and tells a plain, unadorned, tale of all that had as yet passed between him and the lady.

Mr. Wm. Seymour to the Lords of the Privy Council, February 10, 1609-10.[1]

"May it please your good Lordships,

"Since it is your pleasure (which to me shall always stand for a law) that I should truly relate under my hand those passages which have been between the noble Lady Arabella and myself, I do here in these rugged lines truly present the same to your Lordships' favourable censure, that thereby his most excellent Majesty may by your Lordships be fully satisfied of my duty and faithful allegiance (which shall ever be a spur to me to expose my life and all my fortunes to the extremest dangers for his Highness's service), that I will never attempt anything which I shall have certain foreknowledge will be displeasing unto him. I do therefore humbly confess that, when I conceived that noble lady might, with his Majesty's good favour and without offence, make her choice of any subject within this kingdom, which conceit was begun in me upon a general report after her Ladyship's last being

[1] Bibl. Birch, 4161, No. 24.

called before your Lordships that it might be, myself being but a younger brother, and sensible of mine own good, unknown to the world, of mean estate, not born to challenge anything by my birthright, and therefore my fortunes to be raised by mine own endeavours, and she a lady of great honour and virtue, and, as I thought, of great means, I did certainly and honestly endeavour lawfully to gain her in marriage, which is God's ordinance common to all, assuring myself, if I could effect the same with his Majesty's most gracious favour and liking (without which I resolved never to proceed), that thence would grow the first beginning of all my happiness. And therefore I boldly intruded myself into her Ladyship's chamber in the court on Candlemas-day last; at what time I imparted my desire unto her, which was entertained, but with this caution on either part, that both of us resolved not to proceed to any final conclusion without his Majesty's most gracious favour and liking first obtained: and this was our first meeting; after that we had a second meeting at Mr. Buggs's house in Fleet Street, and then a third at Mr. Baynton's, at both which we had the like conference and resolution as before; and the next day save one after the last meeting I was convented before your Lordships, when I did then deliver as much as now I have written, both then and now protesting before God, upon my duty and allegiance to his most excellent Majesty, and as I desire to be retained in your Lordships' good opinion, there is neither promise of marriage, contract, or any other engagement whatsoever, between her Ladyship and myself; nor ever was any marriage by me or her intended unless his Majesty's gracious favour and approbation might have been first gained therein, which we resolved to obtain before we would proceed to any final conclusion; whereof I humbly beseech your Lordships to inform his Majesty, that by your good means, joined to the clearness of an unspotted conscience and a loyal heart to his Highness, I may be acquitted in his just judgment from all opinion of any dis-

position in me to attempt anything distasteful or displeasing to his Majesty, as one well knowing that the just wrath and disfavour of my Sovereign will be my confusion, whereas his gracious favour and goodness towards me may be the advancement of my poor fortunes.

"And thus, my Lords, according to your commands, I have made a true relation of what was required, humbly referring the favourable construction thereof to your Lordships; having for the further hastening of the truth, and ever to bind me thereunto hereafter, subscribed my name the 10th of February, 1609.

"WILLIAM SEYMOUR."

To the Right Honourable my most singular good Lords, the Lords of his Majesty's most honourable Privy Council.

There is nothing in this declaration to imply that, when the subject of engagement was first entered upon between the parties concerned, it was founded on either a long or deep attachment. The marriages of persons of rank in those days, and till a far later period, were constantly as much the result of pecuniary convenience, family arrangement, and personal ambition, as the marriages between royal houses were the result of national treaties and state policy. In vain had Shakspeare already said that

> "marriage was a matter of more worth,
> Than to be dealt in by attorneyship."[1]

Custom was in favour of what in France are termed "les mariages de convenance;" but though custom could in great measure determine the conduct of men, it could not extinguish the passions incident to human

[1] Henry VI., Act 4.

nature; affection sometimes prevailed over prudence, or even over filial obedience, and hence arose the frequency of those clandestine and often disputable marriages which at least threatened the descendants of so many noble houses with the taint of illegitimacy. Seymour's own account of the motives which first dictated his choice of Lady Arabella was perfectly consonant with the views generally entertained upon the subject of matrimony in his time, and there seems no occasion to search for hidden motives or disguised feelings by which to interpret his own very plain and straightforward explanation otherwise than as he gave it.[1]

The King and the Privy Council were satisfied, and Seymour and Lady Arabella were dismissed without any further mark of the King's displeasure. But it was now clear that James's permission to his cousin to bestow herself upon any subject of his whom she might think fit to choose as her husband had been given with certain mental reservations. On the faith of his permission her choice had been made, and it had been

[1] The following passages from works in which some details of the history of this unfortunate marriage have been given would imply it was due to the romance of the story to furnish William Seymour with sentiments to which he did not pretend:—"There is nothing romantic in this apology, "in which Seymour describes himself as a fortune-hunter! which, however, was probably done to cover his undoubted affection for Arabella, "whom he had early known."—Disraeli's 'Curiosities of Literature,' p. 360. "Those who heard this *prudent* account of his motives were not "probably satisfied, and saw beneath this veil of cold calculation sentiments of a much tenderer nature, which, there can be no doubt, really "existed in his heart for his unfortunate and attached wife."—Memoirs of Eminent Englishwomen, by Miss Costello, vol. i. p. 287. Lady Arabella was not at that time his wife.

avowed before the King and Council, but no royal consent followed the avowal. It must therefore have been evident to each party that to fulfil their intentions of marriage could never serve to "raise the fortunes" of either, and prudence would have suggested the abandonment of their design. If therefore, according to Seymour's declaration, it was begun on calculation, it must have been afterwards carried on or renewed from a more disinterested feeling. Nor was this an unlikely consequence of the position in which they found themselves placed. By an open avowal to each other of their desire to enter into a contract of marriage together, they had broken down the barrier of customary reserve; they had been harshly and unjustly thwarted in the fulfilment of their engagement; and in the sense of similar wrongs they were furnished with an additional bond of sympathy to draw them towards each other.

It is to be presumed that James's suspicions were lulled by an apparent submission to his will;[1] he would otherwise have taken effectual measures to prevent further intercourse between the offending parties; such, however, was not the case, and before long their mutual attachment outweighed not only the fear of King and Council, but even, it would seem, the obedience due from Seymour to his grandfather, and in the month of June, or beginning of July, 1610, about five months after they were first summoned to the Privy Council,

[1] See Appendix B for Lady Arabella's petition, which, though not dated, seems to belong to this period.

they were secretly married in Lady Arabella's apartment at Greenwich. Edward Rodney (Seymour's cousin) had been called upon by him to act as a witness on the occasion; and on the discovery of the marriage he was summoned before the Privy Council, where he made the following declaration:—

"*An Abstract of the Declarations which I made to the Lords upon my Examination.*[1]

"About Whitsuntide,[2] meeting with Mr. Seymour at Lambeth, amongst other speech which he used to me, it pleased him to acquaint me with his resolution concerning his marriage, but so sparingly and in such general terms that he never spake unto me of the means which he used in the reobtaining her love, nor once mentioned unto me either letter, token, message, or aught else which had passed between them; only that, since it pleased her to entertain the matter, having the King's consent to make her own choice without exception, and since he found himself bound in conscience by reason of a former pledging of his faith unto her, that he absolutely intended it, engaging me by oath unto him that I should not reveal it until he absolved me, seeming to me to fear no other let nor obstacle than his grandfather, my Lord of Hertford. From that time till the marriage-day he used no more words to me concerning it, at what time he requested me to accompany him to her chamber at Greenwich, to be a witness of her marriage there to be solemnised: to which I consented, all the while nothing doubting of the King's consent. Whither we came about twelve o'clock at night, where staying till next morning, at what time they were married, I came away to London.

This is briefly the declaration which I made, differing in

[1] Bibl. Birch, 4161, No. 26.

[2] Whit Sunday was on the 27th of May in the year 1610.

nothing but in prolixity rising out of some excusing words, which doubled the quantity.

"EDWARD RODNEY."

How the marriage was discovered does not appear; but James was prompt in making the unhappy couple feel the weight of his displeasure. Seymour was sent to the Tower; and Lady Arabella, by order of the Privy Council, dated July 9th, 1610,[1] was committed to the custody of Sir Thomas Perry, Chancellor of the Duchy of Lancaster.[2] Lady Arabella lost no time in addressing the Lords of the Council to implore their good offices on her behalf with the King.

Lady Arabella Seymour to the Privy Council, July 1610.
Holograph.[3]

"To the Right Honourable the Lords of his Majesty's most Honourable Privy Council.[4]

"Right Honourable and my very good Lords, I humbly beseech you give me leave to become an humble suitor to you, to let his Majesty understand my hearty sorrow for his Majesty's displeasure; and that it will please your Honours to become intercessors to his Majesty for me, whose error I

[1] Vide Appendix C.

[2] In a letter from Sir Dudley Carleton to Mr. Trumbull, dated July 25, 1610, this passage occurs:—"The great match which was lately stolen "betwixt the Lady Arabella and young Beauchamp provides them both of "safe lodgings; the lady close prisoner at Sir Thomas Parry's house at "Lambeth, and her husband in the Tower."—Winwood's 'State Papers,' vol. iii. p. 201.

[3] S. P. O., Domestic.

[4] Endorsed:—"July, 1610. Lady Arabella to the Lords, that it will "please them to be a means to his Majesty for her." In Note Bibl. Birch, 4161, No. 39, is a duplicate copy of this petition, endorsed "Peti-"tion to the Council before I write one to the King."

assuredly hope his Majesty, of his own gracious disposition, will (by your good means) rather pardon than any further expiate with imprisonment or other affliction; which, and more if it were to do his Majesty service or honour, I should endure with alacrity. But this is very grievous, especially as a sign of his Majesty's displeasure, on whose favour all my worldly joy, as well as fortune, dependeth; which, if I may reobtain, all the course of my life hereafter shall testify my dutiful and humble thankfulness.

"ARABELLA SEYMOUR."

Her petition to the King boldly reminds him of the permission he had given her to make her own choice in marriage, and plainly attributes the secrecy with which she and her betrothed had acted to his own want of plain and open dealing.

Lady Arabella to the King.[1]

"May it please your most Excellent Majesty,

"I do most heartily lament my hard fortune that I should offend your Majesty, the least especially in that whereby I have long desired to merit of your Majesty, as appeared before your Majesty was my Sovereign. And though your Majesty's neglect of me, my love to this gentleman that is my husband, and my fortune, drew me to a contract before I acquainted your Majesty, I humbly beseech your Majesty to consider how impossible it was for me to imagine it could be offensive to your Majesty, having few days before given me leave to bestow myself on any subject of your Majesty (which likewise your Majesty had done long since); besides having never been prohibited nor spoken to of any in this land by your Majesty these seven years that I have lived in your Majesty's house, whereby I could not conceive that your Majesty regarded

[1] Bibl. Harl., 7003, No. 82.

my marriage at all. And I protest, if your Majesty had vouchsafed to tell me your mind, and accept the free-will offering of my obedience, I would not have offended your Majesty. I most humbly beseech your Majesty, of whose gracious goodness I presume so much, that, if it were as convenient in a worldly respect as malice may make it seem to separate us whom God hath joined, your Majesty would not do evil that good might come thereof, nor make me, that have the honour to be so near your Majesty in blood, the first precedent that ever was, though our Princes may have left some as little imitable for so good and gracious a King as your Majesty as David's dealing with Uriah. But I assure myself, if it please your Majesty in your own wisdom to consider thoroughly of my cause, there will no solid reason appear to debar me of justice and your princely favour, which I will endeavour to deserve whilst I breathe, and, never ceasing to pray for your Majesty's felicity in all things, remain

"Your Majesty's
"most humble."

The following petition is in the same tone of humble self-exculpation:—

Lady Arabella's Petition to the King.[1]

"May it please your most Excellent Majesty—the unfortunate estate whereunto I am fallen by being deprived of your Majesty's presence (the greatest comfort to me upon earth), together with the opinion conceived of your Majesty's displeasure towards me, hath brought as great affliction to my mind as can be imagined; nevertheless, touching the offence for which I am now punished, I most humbly beseech your Majesty (in your most princely wisdom and judgment) to consider in what a miserable state I had been if I had taken any other course than

[1] Bibl. Harl., 7003, p. 87.

I did, for, my own conscience witnessing before God that I was then the wife of him that now I am, I would never have matched with any other man, but to have lived all the days of my life as an harlot, which your Majesty would have abhorred in any, especially in one who hath the honour (how otherwise unfortunate soever) to have any drop of your Majesty's blood in them. But I will trouble your Majesty no longer, but in all humility attending your Majesty's good pleasure for that liberty (the want whereof depriveth me of all health and all other worldly comfort), I will never forget to pray for your Majesty's most happy prosperity for ever in all things, and so remain

"Your Majesty's
"most humble and faithful
"subject and servant."

After the examination of all who were to give evidence before the Privy Council on the matter, Lady Arabella again addressed the Lords of the Council much in the same strain as before.[1] On the 16th and 19th[2] of July she wrote to her uncle, the Earl of Shrewsbury,[3] in behalf of her servants, "with whom," she says, "I thought never to have parted whilst I "lived, and none that I am willing to part with;" and most earnestly implored "his own assistance, and that "of all whom he takes to be her friends, to labour to "reobtain the King's favour for her."

Her next attempt to obtain grace was by an appeal to the Queen, dated July 23rd,[4] and couched in the

[1] Appendix D. [2] Appendix E and F.

[3] The Earl of Shrewsbury was brother to Lady Arabella's mother, Elizabeth Cavendish (daughter of Sir William Cavendish), who married Charles Stuart, Duke of Lennox.

[4] Appendix G.

same terms of earnest entreaty as the other petitions. In October she again addressed the Queen,[1] having, as she says, "confidence of help and mediation" from her, she being full of pity and commiseration towards her humble and devoted servant, and in a cause of this nature. Whether any answer was vouchsafed to these various appeals does not appear, but there can be no doubt of the melancholy fact that they were wholly unsuccessful.

On Seymour's arrival as prisoner in the Tower, he was greeted by Andrew Melvin, the Presbyterian divine, who had been confined there for using an irreverent expression touching the altar in the Royal chapel, with the following epigram:—

"Communis tecum mihi causa est carceris: Ara
Bella tibi causa est, Araque Sacra mihi."[2]

This seems to be the only incident preserved of the first few months of Seymour's imprisonment; he adopted a different course from that pursued by his wife, and abstained from all petition to the King or to the Privy Council till his health began to suffer from confinement: he then addressed the following letter to the Lords:—

Mr. William Seymour to the Lords of the Council.

"May it please your Lordships,

"Since his Majesty is so highly offended with me, that I have not as yet (fearing further to incur his Majesty's disfa-

[1] Appendix H.

[2] "From the same cause my woe proceeds, and thine:
Your altar lovely is, and sacred mine."
—Biog. Brit., vol. i. p. 228; Winwood's 'Mem.,' vol. iii. p. 201.

vour) offered any manner of petition to his princely hands before the way be made more easy, I only address myself to your honourable Lordships, being now bereft of my nearest friends through his Majesty's indignation, humbly beseeching you to be intercessors to his Majesty, that it would please him, of his gracious and accustomed bounty, to restore me to his most wished-for favour and my former liberty; or, if that may seem too large a suit, that it would please his Majesty in the mean time to grant me the liberty of this place, to the recovering of my former health; which through my long and close imprisonment is much decayed, and will not easily, I fear me, be repaired, whereof the lieutenant can well certify your Lordships.

"I must confess I have offended his Majesty, which is my greatest sorrow; yet I hope not in that measure that I should deserve my utter ruin and destruction, since I protest my offence was committed before I knew it to be an offence. Wherefore I humbly beseech your Lordships, since the bottom of this wound is searched to a means, that it may be healed. Thus relying on your Lordships' honourable dispositions, I humbly take my leave, resting always,

"To be commanded by your Lordships,

"W. S."[1]

Whether this petition produced any amelioration in his condition is not known; but from subsequent events it would seem that his confinement was by no means strict. Possibly, also, written correspondence was permitted between himself and his wife, but, if so, it is unfortunate that but one of their letters should have been preserved amongst the known collection of MSS. of that date. This letter, though written in the formal style then in use, and which, compared with the freer

[1] Bibl. Birch, 4161, No. 27.

expression of feeling used in later times, appears cold and almost ceremonious between husband and wife, still shows that genuine love which leads to the forgetfulness of self, and which for another's sake is willing to endure every trial, and to cling to every ground of hope. By the allusion to Seymour's health it was probably written about the time when he addressed the Privy Council.[1]

"*Lady Arabella to Mr. W. Seymour.*

"Sir,

"I am exceeding sorry to hear you have not been well. I pray you let me know truly how you do, and what was the cause of it, for I am not satisfied with the reason Smith gives for it. But if it be a cold, I will impute it to some sympathy betwixt us, having myself gotten a swollen cheek at the same time with a cold. For God's sake let not your grief of mind work upon your body; you may see by me what inconveniences it will bring one to. And no fortune, I assure you, daunts me so much as that weakness of body I find in myself, for '*si nous vivons l'age d'un veau,*' as Marot says,[2] we may by

[1] A letter from Lord Hertford to Lord Salisbury, dated October 2nd, and written at the time when his grandson had been suffering under treatment as harsh as that which he had himself endured in the preceding reign, shows that he was too politic or too good a courtier to allow any family feeling to interfere with the tone of adulation in which the King was usually addressed or even spoken of.—Appendix I.

[2] It is probable that Lady Arabella alluded to the following epitaph:—

De Jan le Veau.

"Cy gist le jeune Jan le Veau,
Qui en sa grandeur et puissance
Fust devenu Bœuf ou Toreau,
Mais la Mort le print dès enfance,
Il morut Veau, par desplaisance,
Qui fut dommage à plus de neuf;
Car on dit (veu sa corporance)
Que ce eust esté un Maistre Bœuf."

—Epitaphes de Clement Marot, tom. ii. p. 420. Edit. à la Haye, 1700.

God's grace be happier than we look for in being suffered to enjoy ourselves with his Majesty's favour; but if we be not able to live to it, I for my part shall think myself a pattern of misfortune in enjoying so great a blessing as you so little a while. No separation but that deprives me of the comfort of you, for wheresoever you be, or in what state soever you are, it sufficeth me you are mine. Rachel wept and would not be comforted because her children were no more, and that indeed is the remediless sorrow, and none else; and therefore God bless us from that, and I will hope well of the rest, though I see no apparent hope; but I am sure God's book mentioneth many of his children in as great distress that have done well after even in this world. I assure you nothing the State can do with me can trouble me so much as this news of your being ill doth. And you see when I am troubled I trouble you too with tedious kindness, for so I think you will account so long a letter yourself, not having written to me this good while so much as how you do. But, sweet Sir, I speak not this to trouble you with writing but when you please: be well, and I shall account myself happy in being your faithful, loving wife.

"A. S."[1]

[1] Bibl. Harl., 7003, No. 150.

CHAPTER II.

The King orders the removal of Lady Arabella to Durham — She begins her journey, and reaches Barnet—She is detained there by ill health—She escapes from confinement, and attempts to meet her Husband—They embark in different ships—She is recaptured at sea, and is committed to the Tower — Mr. Seymour escapes safely to Ostend — Lord Hertford does not support his Grandson against the Court.

THE following year brought no brighter prospects to the prisoners, and a rumour now reached the ears of Lady Arabella that she was to be sent from London to some distant place. She had long sued for mercy, she now pleaded for justice, and addressed the following letter to the two Lord Chief Justices:—

Lady Arabella to the Lord Chief Justices.

"My Lords,

"Whereas I have been long restrained from my liberty, which is as much to be regarded as my life, and am appointed, as I understand, to be removed far from these courts of justice, where I ought to be examined, tried, and then condemned or cleared, to remote parts,[1] whose courts I hold unfitted for the trial of my offence; this is to beseech your Lordships to inquire by an *habeas corpus*, or other usual form of law, what is my fault; and if, upon examination by your Lordships, I shall thereof be justly convicted, let me endure such punishment by your Lordships' sentence as is due to such an offender. And if your Lordships may not, or will not, of yourselves, grant unto me the

[1] Durham.

ordinary relief of a distressed subject, then I beseech you become humble intercessors to his Majesty, that I may receive such benefit of justice as both his Majesty by his oath hath promised; and the laws of this realm afford to all others, those of his blood not excepted. And though, unfortunate woman, I should obtain neither, yet, I beseech your Lordships, retain me in your good opinion, and judge charitably, till I be proved to have committed any offence, either against God or his Majesty, deserving so long restraint or separation from my lawful husband. So, praying for your Lordships, I rest,

"Your afflicted, poor suppliant,

"A. S.[1]

"To the Right Honourable the Lord Chief Justice of England and the Lord Chief Justice of the Common Pleas."

But Lady Arabella's appeal to justice proved of no better avail than her prayers for forgiveness. James had resolved to withdraw her from the custody of Sir John Perry, and to place her in the care of the Bishop of Durham, and accordingly thus signified his pleasure to that Prelate:—

King James I. to the Dr. William James Bishop of Durham, 13th March, 1610-11.[2]

"JAMES R.

"Right Reverend Father in God, and trusty and well-beloved, we greet you well. Whereas our cousin, the Lady Arabella, hath highly offended us in seeking to match herself without our knowledge (to whom she had the honour to be so near in blood), and in proceeding afterwards to a full conclusion of a marriage with the selfsame person, whom (for many just causes)

[1] Bibl. Birch, 4161, No. 46. This letter must have been written a short time before the King's letter to the Bishop of Durham, which was dated March 13th, 1610-11.

[2] Bibl. Birch., 4161, No. 51.

we had expressly forbidden her to marry, after he had in our presence and before our Council foresworn all interest as concerning her, either past or present, with protestations upon his allegiance, in her own hearing, never to renew such motion again: Forasmuch as it is more necessary for us to make some such demonstration now of the just sense and feeling we have of so great an indignity offered unto us, as may make others know by her example that no respect of personal affection can make us neglect those considerations wherein both the honour and order of our Government is interested: We have therefore thought good, out of our trust in your fidelity and discretion, to commit to your care and custody the person of our said cousin, requiring and authorising you hereby to carry her down in your company to such houses of yours as unto you shall seem best and most convenient, there to remain in such sort as shall be set down to you by directions from our Council, or any six of them, to whom we have both declared our pleasure for the manner of her restraint, and have also given in charge (upon conference with you) to take order for all things necessary, either for her health or otherwise; this being the difference, as you see, between us and her,—that whereas she hath abounded towards us in disobedience and ingratitude, we are on the contrary still apt to temper the severity of our justice with grace and favour towards her, as may well appear by the course we have taken to commit her only to your custody, in whose house she may be so well assured to receive all good usage, and see more fruit and exercise of religion and virtue than in many other places. For all which this shall be your sufficient warrant.

"From Royston, this 13th of March, 1610.

"To the Right Reverend Father in God,
our right trusty and well-beloved the
Bishop of Durham."

The manner in which James seeks in this letter to magnify the errors of his unhappy prisoner, and the self-

complacency with which he speaks of his own moderation, justice, and grace, shows that his displeasure was unmitigated by the sufferings he had inflicted during the space of eight months, and that his heart was unmoved by her touching appeals for mercy and pardon.

On the same day that he thus addressed the Bishop, a warrant to the Exchequer was despatched for the money necessary for her journey,[1] and two days later an order from the Privy Council directed Sir John Perry to deliver up the person of Lady Arabella to the Bishop of Durham.[2] A letter was also addressed to Sir William Bond at Highgate, requesting him to afford Lady Arabella the accommodation of two chambers in his house, as she would not be able that night (the 15th) to reach Barnet, "and that the inns would be full of inconveni-"ence."[3] On that day she travelled as far as Highgate, and was there detained by illness for six days. On the 21st she quitted Highgate and reached Barnet, where she was again detained till the 1st of April, This delay in her journey occasioned Dr. Hammon (physician to the Princes) being sent down to ascertain her state and report on her health, first to the Privy Council and then to the King at Royston.

It was at this time that Lord Shrewsbury, writing to Lady Arabella's physician (Dr. Mountford), sent the somewhat cheering intelligence, that "the greatest, "nearest, and wisest about his Majesty," with whom he had spoken, are of opinion "that her imprisonment and "his Majesty's disfavour is not likely to continue long."[4]

[1] Appendix J. [2] Appendix K. [3] Appendix L. [4] Appendix M.

On the 1st of April Lady Arabella proceeded from Barnet to East Barnet; but sickness and sorrow seem to have utterly incapacitated her from making any further advance for the present. The following humble petition was addressed by her to the Privy Council, praying for time to recover her strength before she was again obliged to resume the journey for which she was so unfitted:—

Lady Arabella to the Lords of the Council.

"May it please your Lordships,

"I protest I am in so weak case as I verily think it would be the cause of my death to be removed anywhither at this time, though it were to a place to my liking. My late discomfortable journey, which I have not yet recovered, had almost ended my days; and I have never since gone out of a few little and hot rooms, and am many ways unfit to take the air. I trust your Lordships will not look I should be so unchristian as to be the cause of my own death; and I leave it to your Lordships' wisdom to consider what the world would conceive if I should be violently enforced to do it. Therefore I beseech your Lordships to be humble suitors in my behalf, that I may have some time given me to recover my strength, which I should the sooner do if I were not continually molested. And I will hope and pray that God will incline his Majesty's heart every way to more compassion towards me, who rest

"Very humbly at your Lordships' command,

"A. S."[1]

Not only were Lady Arabella's petitions, and the reports of the physicians, employed as means to obtain the King's leave for her to have time and rest to re-esta-

[1] Bibl. Birch, 4161, No. 67. This letter, though it bears no date, must have been written in April, 1611.

blish her health, at least so far as that her life should not be endangered by travelling; the Bishop of Durham himself also pleaded in her behalf. He represented to his Majesty both her physical sufferings at each remove, and "her grief at his Majesty's indignation, her hearty "and zealous prayers for him and his, and her "willingness if it might so please him even to sweep his "chamber,"[1] &c.

Sir James Crofts (in whose custody she now was) also addressed the Privy Council, on the 17th of April, at great length, on the state of his prisoner. He describes her as "somewhat better and lightsomer than hereto-"fore," in consequence of rest and medical treatment, but as still too weak to walk the length of her room, and in the utmost dejection of spirits, viewing with despair her removal to a place "so out of the world as Durham."[2] These representations obtained for Lady Arabella the boon of delay, for which she thus gratefully expresses herself to the King:—

Lady Arabella to the King.

"May it please your most excellent Majesty,

"Graciously to accept my most humble thanks for these halcyon days it hath pleased your Majesty to grant me;[3] and since it hath pleased your Majesty to give this testimony of willingness to have me live awhile, in all humility I beg the restitution of those comforts without which every hour of my life is discomfortable to me, the principal whereof is your Majesty's favour, which none that breathes can more highly esteem

[1] Appendix N. The Bishop of Durham's letter to Sir James Crofts and Dr. Mountford.

[2] Appendix O.

[3] Three weeks.

than I, who, whilst I live, will not cease to pray to the Almighty for your Majesty's prosperity, and rest

"Your Majesty's most humble and faithful,
almost ruined subject and servant,
"ARABELLA S."[1]

On the 28th of April Serjeant Minors[2] was summoned before the Privy Council, to report on Lady Arabella's condition and to receive the King's commands respecting her journey. He stated the continuance of her weak state of health, but was told the King's absolute resolution "was directly for Durham," for which says Serjeant Minors[3] Lady Arabella "must prepare, "although the journeys be never so little, to go on upon "Monday next, which was the longest day I could get. "I pray you let her know," he continues, "that some "of the greatest of them did in solemn oaths protest "that they find by his Majesty's resolution that there "shall be no long abode for her there, but his Majesty "intended her good in short time after, but that he "kept that in his breast until he saw conformity; but "if his Majesty be King, he says, he will not alter this "resolution." Notwithstanding this royal determination that the journey to Durham should no longer be delayed, fresh representations of Lady Arabella's continued weakness were made by Sir James Crofts and Dr. Mountford in the presence of the King and Council, and

[1] Bibl. Birch, 4161, No. 37.

[2] Serjeant Minors was the cousin of Sir James Crofts, and appears to have been joined with him in the custody of Lady Arabella.

[3] Appendix P; letter from Serjeant Minors to Sir James Crofts; and expenses incurred for Lady Arabella, Appendix P *a*.

the following petition from Lady Arabella herself for "three weeks more" was addressed to the King:—

Lady Arabella to the King.

"May it please your excellent Majesty,

"Though it hath pleased God to lay so many heavy crosses upon me, as I account myself the most miserable creature living, yet none is so grievous to me as the loss of your Majesty's favour, which appeareth not so much to my unspeakable grief in any other effect of it (though the least of many it hath already brought forth is sufficient for my utter ruin) as in that your Majesty giveth credence (as I hear) to those sinister reports which impute that to my obstinacy which proceedeth merely out of necessity; not willing that I might be thought guilty of hastening my own death by any voluntary action of mine, having first endeavoured by all good means to make my extreme weakness known to your Majesty. But nothing availing me, certainly I had suddenly perished if your Majesty had not speedily had compassion of me in granting me this time of stay for my recovery; to which it may please your Majesty of your gracious goodness to add three weeks more. Mr. Dr. Moundford hopes I may recover so much strength as may enable me to travel; [and I shall ever be willing, whilst I breathe, to yield your Majesty most humble and dutiful obedience as to my Sovereign, for whose felicity for ever in all things I cease not to pray, and in all fortunes rest

"Your Majesty's most humble and faithful

"Subject and servant,

"A. S."]

*** The passage between brackets was scored and corrected in the original.

What follows is another hand in another draught.

Sic Orig.

This without the journey is enough, if the King desire; but his honour salved, as though I hade resistance, &c., and so the journey made perilous by myself, whereby I must confess I bely myself extremely in this.

"and for my own part, as an argument that I had never any other thought than to gain your Majesty's favour by obedience, I do promise to undergo the journey after this time expired without *any resistance or refusal, to do such things as are fit for me to do to make my journey the less painful or perilous;* being now assured that your Majesty hath no purpose to make my correction my ruin in any sort, as I will hope confidently, when I have herein satisfied the duty.

"J."[1]

The result of these representations and intercessions for time to recover is best detailed in Dr. Mountford's letter to the Bishop of Durham:—

Dr. Mountford to the Bishop of Durham.

May, 1611.

"Right Reverend, my very good Lord,

"Sir J. C. and I received your Lordship's letter by your servant, by whom also we did understand of your Lordship's recovery; whereof the good news was right welcome unto my Lady, who daily inquired after you, continuing her best affection and love unto you, answerable to the merit of your kindness towards her and your great pains for her Honour's good. We yet continue where you left us, with our whole company, the Crews only, his Majesty's servants, being discharged, whereof I trust and am rather assured that we shall have no need: after the month granted at your Lordship's departure for the recovery of my Lady, his Highness, then persuaded of her continued weakness by the report of Sir James (her Honour's kind and well-affectioned keeper) and of myself

[1] Bibl. Birch, 4161, No. 33.

in the hearing of the Prince and the Lords of his Majesty's Privy Council, did yield her that one other month should be employed in her perfect cure; which now month began the 11th of this present May. During our attendance on his Majesty he used not one unkind or wrathful word of her, but mildly taxed her obstinacy, the conceit whereof I find did spring from such accidents as befel upon our first removes, reported unto him very untruly, with terms of violence offered by my Lady to such as were used in that service. His Majesty's was, that to Durham she should come, if he were King. We answered that we made no doubt of her obedience. Then he said—'Obedience is that required; which being performed, I will do more for her than she expecteth.'

"I must impart unto your Lordship that the premier reason which moved his Majesty to the grant of this second month was her submission in a letter to his Highness, wherein with all due acknowledgments of her recovery from the grave by time most graciously granted her by him.[1] This letter was penned by her in the best terms (as she can do right well), and accompanied with matter best befitting his Highness and her. It was often read without offence, nay, I may truly say, even commended, by himself, with the applause of Prince and Council.

"Thus your Lordship seeth *quod differtur, non aufertur.* And thus your Lordship may understand that our journey intended yet continueth. And I am of opinion that, if God so will, we shall rather prevent than delay the prefixed time. There is no fear among the Lords of any long-stay with you; neither of her farther progress northward, but great assurance of the contrary. When we are onward our journey, your Lordship shall often hear from us; and our past silence, occasioned by uncertainty of events and our attendance at Court, shall, God willing, be recompensed with often imparting to your Lordship the occurrents in the way."[2]

[1] This passage seems imperfect, but the sense is clear.

[2] Bibl. Birch, 4161, No. 61.

What the King's original motives were for his determination to send Lady Arabella to Durham, or why he so pertinaciously adhered to his resolution, it is not easy to understand; nor is it possible now to ascertain whether he was sincere in his professions of the good he intended for her if she conformed to his wishes; but from the testimony afforded by the letters of Lord Shrewsbury, Serjeant Minors, and Dr. Mountford, it is clear that the Privy Council were kindly disposed towards the unfortunate lady, and that its most influential members believed that James's displeasure would be appeased by her obedience.

Lady Arabella had probably no great confidence in "the good intended for her that his Majesty kept in "his breast,"[1] and, her health having been tolerably restored during this last reprieve, despair gave her strength to perform the enterprise she had resolved to attempt. A month's leave, beginning on the 11th of May, had been granted to remain at East Barnet; the term therefore was to expire on the 8th of June. On the 3rd she took the desperate step of making her escape.

By what means Lady Arabella and her husband contrived to communicate does not appear, but it is certain that they must have obtained very precise information of the intended movements of each other, and by the carelessness, the connivance, or possibly the assistance of those who were intrusted to guard them, they each effected their escape about the same time, the one from the Tower and the other from East Barnet.

[1] Vide Serjeant Minors' letter.

Mr. John More thus details the particulars of their flight:[1]— Lady Arabella is described as disguising herself "by drawing a pair of great French-fashioned hose "over her petticoats, putting on a man's doublet, a "man-like perruque with long locks over her hair, a "black hat, black cloak, russet boots with red tops, and "a rapier by her side, walked forth between three and "four of the clock with Mr. Markham. After they "had gone a-foot a mile and half to a sorry inn, where "Crompton attended with their horses, she grew very "sick and faint, so as the ostler that held the stirrup "said, *that gentleman would hardly hold out to London.* "Yet, being set on a good gelding astride, in an un-"wonted fashion,[2] the stirring of the horse brought "blood enough into her face, and so she rid on towards "Blackwall,[3] where arriving about six o'clock, finding "there in a readiness two men, a gentlewoman, and a "chambermaid, with one boat full of Mr. Seymour's and "her trunks, and another boat for their persons, they "hasted from thence towards Woolwich. Being come "so far they bade the watermen row on to Gravesend; "there the watermen were desirous to land, but for a "double freight were contented to go on to Lee, yet, being "almost tired by the way, they were fain to lie still at "Tilbury, whilst the oars went a land to refresh themselves. Then they proceeded to Lee, and by that

[1] Mr. John More's letter to Sir Ralph Winwood, dated June 8th, 1611. Winwood's 'State Papers,' vol. iii. p. 279.

[2] See Appendix Q; letter of Sir William Waad, Lieutenant of the Tower, to the Earl of Salisbury.

[3] See Appendix R; letter of John Lord Haryngton to the Earl of Salisbury.

" time the day appeared, and they discovered a ship at " anchor a mile beyond them, which was the French " barque that waited for them. Here the lady would " have lien at anchor expecting Mr. Seymour, but " through the importunity of her followers they forth- " with hoisted sail to seaward. In the meanwhile " Mr. Seymour, with a perruque and beard of black " hair, and in a tawny cloth suit, walked alone without " suspicion from his lodging out at the great west door " of the Tower, following a cart that had brought him " billets. From thence he walked along by the Tower " Wharf by the warders of the south gate, and so to the " iron gate, where Rodney was ready with oars for to " receive him. When they came to Lee and found that " the French ship was gone, the billows rising high, " they hired a fisherman for twenty shillings to " set them aboard a certain ship that they saw under " sail. That ship they found not to be it they looked " for, so they made forwards to the next under sail, " which was a ship of Newcastle. This, with much ado, " they hired for 40*l.* to carry them to Calais; but " whether the collier did perform his bargain or no is not " as yet here known. On Tuesday in the afternoon my " Lord Treasurer, being advertised that the Lady Ara- " bella had made an escape, sent forthwith to the " Lieutenant of the Tower to set strict guard over Mr. " Seymour; which he, after his *yare* manner, would " throughly do, that he would. But, coming to the " prisoner's lodgings he found (to his great amazement) " that he was gone from thence one whole day before.

" I may not omit in this relation to insert the simple

" part of two silly persons,—the one called Tom Barber,
" servant to Mr. Seymour, who (believing his master
" spoke *bonâ fide*) did, according to his instructions, tell
" every one that came to inquire for his master
" that he was newly betaken to his rest, being much
" troubled with the toothache; and when the matter
" was discovered, did seriously persist to persuade Mr.
" Lieutenant that he was gone but to lie a night with
" his wife, and would surely return thither of himself
" again,—the other, a minister's wife attending the lady,
" who, seeing her mistress disguise herself and slip away,
" was truly persuaded that she intended but to make a
" private visit to her husband, and did duly attend her
" return at the time appointed.

" Now the King and the Lords being much disturbed
" with this unexpected accident, my Lord Treasurer
" sent orders to a pinnace that lay at the Downs to put
" presently to sea, first to Calais road, and then to scour
" up the coast towards Dunkirk. This pinnace, spying
" the aforesaid French barque, which lay lingering for
" Mr. Seymour, made to her, which thereupon offered
" to fly towards Calais, and endured thirteen shot of the
" pinnace before she would strike. In this barque is
" the lady taken, with her followers, and brought back
" to the Tower, not so sorry for her own restraint as she
" should be glad if Mr. Seymour might escape, whose wel-
" fare she protesteth to affect much more than her own.
" In this passionate hurry here was a proclamation

[1] " *De Proclamatione tangente Dominum Arbellam et Willielmum Seymor.*

" Whereas we are given to understand that the Lady Arbella and
" William Seymour, second son to the Lord Beauchamp, being for divers

" first conceived in very bitter terms, but by my Lord " Treasurer's moderation seasoned at the print."

The following letter to the Earl of Nottingham contains the account of Lady Arabella's capture at sea :—

Griffen Cockett to the Earl of Nottingham, Lord High Admiral.

" 5th June, 1611.

" Right Honourable,

" After I had received direction from my Admiral for the intercepting of the Lady Arbella and Mr. William Seymour, we stood off, and under the South Sandhead we saw a small sail, which we chased, and proving little wind we sent our boat with shot and pikes, and, half channel over, our boat did overtake them, and, making some few shot, they yielded, where we found divers passengers, among the rest my Lady Arbella, her three men, and one gentlewoman. We cannot find yet that Mr. William Seymour is here. My lady saith that she saw him not, but hopeth that he is got over. My lady came into the French barque at Quinborough, and is now aboard the 'Adventure' safe until we shall receive farther directions from your Lordship. We do keep the barque with all those passengers

" great and heinous offences committed, the one to our Tower of London, " and the other to a special guard, have found the means, by the wicked " practices of divers lewd persons, as namely, Markham, Crompton, " Rodney, and others, to break prison and make escape, on Monday the " third day of June, with an intent to transport themselves into foreign " parts: We do hereby straitly charge and command all persons what- " soever, upon their allegiance and duty, not only to forbear to receive, " harbour, or assist them in their passage any way, as they will answer it " at their perils; but, upon the like charge and pain, to use the best means " they can for their apprehension and keeping them in safe custody, " which we will take as an acceptable service.

" Given at Greenwich, the 4th day of June, 1611 (per Ipsum Regem)." —Rymer's 'Fœdera.'

in her until such time as we shall hear farther from your Lordship. I humbly rest,

" Your Lordship's humbly to command,

" GRIFFEN COCKETT.

" From aboard the 'Adventure,' off his Majesty's Downs, 5th June, 1611."

In the Earl of Salisbury's handwriting,—

" The Admiral is Sir W. Monson, whom we implored.

" R. S."

" For his Majesty's especial service.

" To the Right Honourable the Lord High Admiral of England, my very good Lord and master.

" Haste, haste, haste,
" Post haste, haste,
" Post haste,
" For your life.

" Downes, 5th June, o'clock afternoon 8."[1]

This letter was followed by one from Sir Wm. Monson to the Privy Council asking for orders respecting the disposal of Lady Arabella:—

" *Sir William Monson to my Lord concerning the negligence of the Postmasters.*

" 6th June, 1611.

" Right Honourable,

" I doubt not but that your Lordship hath received two letters directed from the master of my ship, the one to my Lord Admiral, the other to me, wherein your Lordship may be advertised in the manner of the taking my Lady Arbella. Myself hath been at sea some time in calm weather, in a light horseman off Gravesend. When it blew I took the next ketch or fisherman I could meet withal, and, meeting the 'Charells' at sea, I have sent her for the coast of Flanders, and hearing the 'Adventure' was so quickly returned into the Downs, gave

[1] Bibl. Harl., 7003, No. 128.

me assurance she had met with the Lady Arbella, which made me hasten thither with all speed; and though, as I said before, the master had acquainted my Lord Admiral therewith, yet I thought it my duty not to direct my letter to any but your Lordship, and expect his Majesty's directions how to dispose of my Lady, for that I am unwilling that she should go ashore until I have further authority, but in the mean time she shall not want anything the shore can afford, or any other honourable usage. It is bootless to trouble your Lordship with any further relation, seeing the service is performed I hope to his Majesty's content, but I must not omit to acquaint your Lordship with the negligence of the postmasters in carrying my first packet. Your Lordship shall know in whom was the fault, and I hope he shall be punished accordingly; and in the mean time, with remembrance of my service to your Lordship, and my prayer to God for his Majesty's long happiness, I humbly take my leave.

"Your Lordship's in all service to be commanded,

"WILLIAM MONSON.

"I am forced to use the help of a writer, having strained my arm in entering of a ship, which I hope your Lordship will excuse me for."[1]

(Endorsed) "For his Majesty's especial service.

"To the Right Honourable and my especial good Lord, the Earl of Salisbury, Lord High Treasurer of England.

"Haste, haste, haste,
"Post haste,
"For life,
"Life.

"Aboard the 'Adventure,' the 6th , past 11 o'clock forenoon.

"WILL. MONSON."

Lady Arabella was at once committed to the Tower. Her aunt, Lady Shrewsbury,[2] Sir James Crofts, Dr.

[1] Bibl. Harl., 7003, No. 130. [2] Vide Appendix S.

Mountford, Adams the minister's wife, and many other persons concerned in or held answerable for her escape, were sent prisoners to the Tower and to Newgate.[1] The Earl of Shrewsbury was also confined to his own house, "but no matter was found against him."[2]

Lady Arabella and Lady Shrewsbury were both examined before the Council previous to their committal. The former was said "to have answered with good judg-"ment and discretion,"[3] but the latter was described "to be utterly without reason, crying out that *all is but* "*tricks and giggs*; that she will answer nothing *in pri-*"*vate*, and, if she have offended the law, she will answer "it in public. She was said to have amassed a great "sum of money to some ill use; 20,000*l.* are known to "be in her cash; and that she made provision for more "bills of exchange to her niece's use than she had "knowledge of."[4] Lady Shrewsbury seems indeed to have acted with remarkable indiscretion during this examination; and by holding out as a sort of threat the possible conversion of her niece to the Roman Catholic religion she took the course most calculated to increase those suspicions of some Popish plot that were ever rife in James's mind. Mr. John More admits that Lady Arabella "hath not as yet been found in-"clinable to Popery,"[5] but says, "her aunt made account "belike that, being beyond the seas in the hands of

[1] Vide Appendix S.

[2] Vide Mr. John More's letter to Sir Ralph Winwood, Winwood's 'State Papers,' vol. iii. p. 282.

[3] Mr. J. More's letter to Sir R. Winwood, vol. iii. p. 281.

[4] Lady Arabella was found to have money and jewels on her person when taken at sea.—Vide Appendix T; letter from the Privy Council.

[5] Mr. J. More's letter to Sir Ralph Winwood, vol. iii. p. 281.

" Jesuits and priests, either the stroke of their arguments " or the pinch of poverty might force her to the other " side."[1]

Whilst Lady Arabella was thus captured and immured within the walls of a prison which she was destined never to quit, her husband, more fortunate in his flight, had reached the opposite shores in safety. The following letter contains the account given by the master of the collier described by Mr. J. More, on board of which Seymour and his cousin Edward Rodney went after they had quitted the fishing-boat at Lee.

The Bailiff of Ipswich to the Earl of Suffolk.

" 8th June, 1611.

" Our bounden duties unto your Lordship humbly remembered. We have lately certified unto your Lordship what we could then understand touching divers persons transported in a hoy. We desire further to give your Lordship to understand that the hoy is now returned again this afternoon, and the master and his company being bound towards Newcastle, and hearing at sea that inquisition was made for such persons as they transported, they have put into the harbour and repaired unto the town, whom we have made stay off until your Lordship's pleasure be further known. Upon examination of the master, he acknowledgeth that he, coming down the Thames upon Tuesday morning about the day breaking, about three miles beneath Lee, a fisher-boat made after him and brought aboard of him four men,—the one a gentleman in a suit of red satin laid with silver and gold lace; another a younger man, in a suit of murry-coloured stuff; a third a Frenchman; and the fourth a serving-man. The first party, being asked his name, said it was Rodney, and conferred with the master of the hoy to carry them to Calais, agreeing to give him for the same 40*l.*, and so, coming

[1] Lady Shrewsbury remained a prisoner during two years.

down the Thames, before they came at a place called the Buoy, at the Oes edge, a French bark came somewhat near unto them, which the said Rodney espying, desired to speak unto them. But the master answered he could not now, but if they anchored anything near he would send his boat aboard the same; soon after which, about Tuesday at noon, the hoy came to an anchor at the Buoy, and within a quarter of an hour the Frenchman cast anchor about a mile and a half from them; whereupon Rodney desired that the hoy's boat might carry the foresaid Frenchman to the French bark to speak with one in the same, for he thought it was a vessel which should have carried him over sea. Whereupon the master and some of his company carried that Frenchman aboard the French vessel, who then went into a cabin with one of the ship who seemed a passenger; and the master of the hoy, looking into the French bark, saw in the same a woman sitting upon the hatches in a waistcoat and a petticoat, apparelled like a Frenchwoman, and the Frenchman came presently back again into the boat and returned into the hoy. And in the same Tuesday afternoon, the wind standing cross to go for Calais, the hoy put into Harwich upon Tuesday night, but the French bark still continued at anchor. The hoy being thus put in near Harwich, Rodney desired the master to set him over into some part of the Low Countries where the wind would best serve. Upon Thursday morning they set sail, intending to go for Middleborough, but Rodney desired to go for some place more southerly, and so they bent towards Ostend, within a mile of which they landed upon Friday morning about eight of the clock, and went towards the town. A little before the landing, one of the ship asked the young gentleman what his name was. He told him it was William Sea. But from the first time of their coming aboard to the landing, Rodney affirmed that he went away only upon a quarrel, and for no other cause. The master received pay for his voyage, and so came back again, of whom, with most of his company, we have made stay until we receive further direction from your

Lordship touching them. The master of the hoy hath delivered to us a letter which (he saith) he received of Rodney at his parting, the which we here, enclosed, send unto your Lordship. And so, craving pardon for this troublesomeness, we humbly leave your Lordship to the blessed protection of the Almighty,

"And always rest,

"By your Lordship to be commanded,

"WILLM. SPARROW.

"WILLM. CAGE.

"*Ipswich, this Saturday afternoon, the eighth day of June* 1611.

"To the Right Honourable our very good Lord the Earl of Suffolk

give this."[1]

However much the wrath, and even alarm, of James might have been excited by the concerted escape of the prisoners, the family of Seymour, already too well experienced in the consequences of royal displeasure, must have been still more deeply afflicted by this bold resistance to the sovereign will. On the day after their flight, Mr. Francis Seymour, younger brother of William, despatched by express the following letter to his grandfather, giving a detailed account of all that had occurred:—

Mr. Francis Seymour[2] *to the Earl of Hertford.*

"4th June, 1611.

"My most honourable and dear Lord and Grandfather,

"Lately (I may say unfortunately) is my brother escaped out of the Tower. He went out disguised in mean apparel, as

[1] Bibl. Harl., 7003, No. 132.

[2] Third son of Edward Lord Beauchamp, who died in August, 1618. He was knighted, and on the 19th February, 16th Charles I., was made Baron Seymour of Trowbridge.

I hear since, about four o'clock in the afternoon upon Mond y, being the 3rd of June. His lady also went the same night at six o'clock, disguised in man's apparel. Whither they are gone it is not certain. My cousin Edward Rodney is gone with them. Who besides is gone I know not, but there are missed Edward Reeves, one of my brother's men, and a gentlewoman of hers, and Mrs. Crompton. Edward Rodney left a letter behind him to be delivered unto me, which letter I received upon Tuesday following at eight o'clock. The contents of it was this:—He desired me to excuse him in he did not acquaint me with his unfortunate business (as I may well term it); besides that they had resolved to tell it none, by which means they might the better keep it from your Lordship, knowing your Lordship would presently have acquainted the King therewith. This was the main scope of his letter, which I had no sooner received but I presently mistrusted that which in less than half an hour after I found to be most true, which was that my brother was gone. Myself being come to his lodging, I asked his man for him, who told me that he had not slept of all that night, and that he would not that morning be troubled. I was not therewith satisfied, telling him that I must and would see him, which when he perceived he could not resist, he confessed the truth, which he had no sooner done, but at the very same instant comes the Lieutenant, to whom I showed this letter of Edward Rodney, which I had intended presently to have showed my Lord Treasurer. The Lieutenant being acquainted herewith went straight to Greenwich. I went with him, and, being unto my Lord Treasurer's chamber, the Lieutenant was sent for in, where he did deliver the letter unto my Lord Treasurer: myself having waited half an hour without, and not being asked for, went and stayed two hours in the King's presence. In the mean time, after they had been with the King, they went to London, which I knew not till they were gone. The King, hearing I was there, sent one unto me to command me to go to London unto the Coun-

cil. Sir Thomas Cornwallis was commanded to go with me, to whom I am much beholding for his love. Being come before the Council, I was first examined by my Lord Treasurer, How I came by the letter? and 2nd, Why I did not presently upon the receipt of this letter, before my going unto the * *, acquaint him with it? 3rd, Whether Ed. Rod. had not lain with me the night before? 4th, What conference we had that night? and lastly, If I knew not whither they were gone? To the first I answered,—From one Mr. Robert Stafford on Tuesday morning. To the second,—That the letter did not directly say my brother was gone, howsoever there was some presumption of it; but before I would be the reporter of a matter of that consequence I would be sure of it, which had I not seen with my eyes I should never have believed it. The third I denied it not. To the fourth I denied that he spake any word to me concerning this business. We had often lain together, and were near kinsmen. Unto the last I answered that I knew not where he were, nor whither he would. Having been examined, they willed me to keep my lodging in your Lordship's house till I heard further from them. Of this I have made bold to acquaint your Lordship, on whom I had waited Thursday night had not this happened in the mean time. Thus at this time I most humbly take my leave from Hertford House, in Channon Row, the 4th of June 1611.

"Your Lordship's most obedient child,

"F. SEYMOUR.

"To the Right Honourable my very singular good Lord and Grandfather, the Earl of Hertford,

These."

(Endorsed) "My nephew Francis Seymour his letter; received at Letley Wednesday night, at eleven of the clock at night, the 5th of June, 1611." [1]

[1] Bibl. Birch, 4161, No. 69.

What communication took place with any other members of the family, either with Lord Beauchamp, the father of William Seymour, or with his elder brother Edward, does not appear; but Lord Hertford immediately forwarded his grandson's letter to the Earl of Salisbury, accompanied by one from himself.

Edward Earl of Hertford to the Lord Treasurer the Earl of Salisbury.

"6th June, 1611.

"My Lord,

"This last night at eleven of the clock, ready to go to bed, I received this letter from my nephew Francis Seymour, which I send your Lordship here enclosed; a letter no less troublesome to me than strange to think I should in these my last days be grandfather of a child that, instead of patience and tarrying the Lord's leisure (lessons that I learned and prayed for when I was in the same place[1] whereout lewdly he is now escaped), would not tarry for the good hour of favour to come from a gracious and merciful king, as I did, and enjoyed in the end (though long first), from a most worthy and noble Queen, but hath plunged himself farther into his Highness's just displeasure. To whose Majesty I do by these lines earnestly pray your Lordship to signify most humbly from me how distasteful this his foolish and boyish action is unto me; and that, as at the first, upon his examination before your Lordships, and his Majesty afterwards, nothing was more offensive unto me, misliking altogether the unfitness of the match, and the handling of it afterwards worse, so do I condemn this as worst of all in them both. Thus, my Lord, with an unquiet mind to think (as before) I should be grandfather to any child that hath so much forgotten his duty as he hath

[1] For marrying the Lady Catherine Grey, sister of Lady Jane Grey.

now done, and having slept never a wink this night (a bad medicine for one that is not fully recovered of a second great cold I took), I leave your Lordship with very loving commendation to the heavenly protection. From Letley, this Thursday morning, at four o'clock, the 6th of June, 1611.

"Your Lordship's most assured loving friend,

"HERTFORD.

"*Postsc.*—As I was reading said nephew's letter, my sise[1] took (as your Lordship may perceive) unto the bottom of the letter; but the worst missing that is burnt was *Tower, to acquaint, &c.*[2]

"To the Right Honourable my very good
Lord the Earl of Salisbury, Lord High
Treasurer of England."[3]

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[1] *Syse*, wax candell, bougee.—Vide Palsgrave's 'Eclaircissement de la Langue Française.' Printed at London in 1530.

[2] In Mr. Disraeli's 'Curiosities of Literature' is to be found the following passage:—"The family of the Seymours were in a state of "distraction; and a letter from Mr. Francis Seymour to his grandfather "the Earl of Hertford, residing then at his seat far remote from the "capital, to acquaint him of the escape of his brother and the lady, still "bears to posterity a remarkable evidence of the trepidations and consternation of the old Earl: it arrived in the middle of the night, accompanied by a summons to attend the Privy Council. In the perusal "of a letter written in a small hand, and filling more than two folio pages, "such was his agitation, that, in holding the taper, he must have burnt "what he probably had not read; the letter is scorched, and the flame has "perforated it in so critical a part, that the poor old Earl journeyed to "town in a state of uncertainty and confusion."—p. 362, tenth edition. It is difficult to understand what could have led the author of this work into drawing conclusions so strangely at variance with the fact. The original letter is still to be seen at the British Museum; and the extent of damage occasioned by the candle is represented by the asterisks in Francis Seymour's letter (p. 326). But so far was Lord Hertford from being ignorant of the contents of the letter, that he recapitulates its information to Lord Salisbury; and so far from being in any uncertainty as to the missing words, he actually states what they were.

[3] Bibl. Birch, 4161, No. 71.

Lord Hertford was summoned to the Court,[1] but it is to be presumed that James was satisfied that he had in no way participated in the errors of his grandson, for no further steps appear to have been taken either against the Earl or any other members of the Seymour family. So completely indeed did the fear of the Court outweigh the influence of even natural affections, that Lord Hertford showed himself more anxious to join in the condemnation of his own near relation, than to endeavour to mitigate the anger of the King, or offer any palliation of a fault to which he of all others might have been expected to be lenient. About three weeks after his escape Lord Hertford[2] enclosed to Lord Salisbury, for his approval, "the draft of a letter "to his *unfortunate, disobedient grandchild* William "Seymour." Lord Salisbury approved it, and promised to forward the letter. The draft is not preserved, but there can be little doubt as to the tone and purport of a letter which at that moment received Lord Salisbury's sanction and approval.

[1] "The old Earl of Hertford is sent for to Court, and if he be found "healthful enough to travel he must not delay his coming."—Letter of Mr. J. More to Sir R. Winwood, Winwood's 'State Papers,' vol. iii. p. 282.

[2] State Paper Office, July 26, 1611.

CHAPTER III.

Lady Arabella repeatedly petitions the King to release her from Prison — She becomes insane — The Council instruct Dr. Fulton to visit her — She dies in the Tower — Reasons of the King's fear of Lady Arabella — Her descent from Queen Margaret — Her English education — Her marriage with Seymour, a descendant of Lady Catherine Grey — Her supposed leaning to Catholicism —The reception of Seymour at the Court of the Archdukes — Seymour removes to France, but afterwards is permitted to return to Flanders — After Lady Arabella's death he petitions for leave to return to England — The permission is granted, and he returns — He marries Lady Francis Devereux, and succeeds to the Earldom of Hertford on the death of his grandfather.

SEYMOUR found a friendly asylum at Brussels, at the Court of the Archdukes Albert and Isabella, whilst Lady Arabella was doomed to languish in prison, with no other comfort than the recollection of the transient happiness she had enjoyed with her husband, and cheered only by the faint hope, never destined to be realized, of pardon from the King. Her often repeated entreaties for mercy present a picture of human suffering and of human obduracy which even at this distant period cannot fail to enlist the sympathy of every reader, whether from compassion or from indignation. The absence of dates prevents these documents being given in any regular order; but their existence has preserved the knowledge of the piteous supplications that were offered to and rejected by her kinsman.

To the Queen she always addressed herself as if

confident of her kindly disposition towards her; the following letter would seem to allude to a time when some general pardon had been granted:[1]—

Lady Arabella to the Queen.

"May it please your most excellent Majesty

"To consider how long I have lived a spectacle of his Majesty's displeasure, to my unspeakable grief; and out of that gracious disposition which moveth your royal mind to compassion of the distressed, please it your Majesty to move his Majesty in my behalf.

"I have presumed to present your Majesty herewith the copy of my humble petition to his Majesty at this time when his Majesty forgiveth greater offences, though your Majesty's intercession at any time, I know, were sufficient. Thus hath my long experience of your Majesty's gracious favour to me and good causes encouraged me to presume to address myself unto your Majesty, and increased the obligation of my duty in praying continually unto the Almighty for your Majesty's felicity, in all things and all humility to remain

"Your Majesty's."[2]

Three other letters, addressed to persons whom she seems to consider to have influence, but whose names are not mentioned, are in the same strain:—

"My Lord,

"My extremity constraining me to labour to all my friends to become suitors to his Majesty for his pardon of my fault, and my weakness not permitting me to write particularly, I have made choice of your Lordship, humbly beseeching you

[1] This may possibly have been the case when the Princess Elizabeth was married to the Elector Palatine.

[2] Bibl. Birch, 4161, No. 32.

to move as many as have any compassion of my affliction to join in humble mediation to his Majesty to forgive me, the most penitent and sorrowful creature that breathes.

"Your distressed cousin,

"A. S."

Arabella Seymour to ——, soliciting the person she writes to to use his interest with Lord Northampton to intercede for her with the King after her marriage with the Earl of Hertford.

"Sir,

"Though you be almost a stranger to me, but only by sight, yet the good opinion I generally hear to be held of your worth, together with the great interest you have in my Lord of Northampton's favour, makes me thus far presume of your willingness to do a poor afflicted gentlewoman that good office (if in no other respect yet because I am a Christian) as to further me with your best endeavours to his Lordship that it will please him to help me out of this great distress and misery, and regain me his Majesty's favour, which is my chiefest desire. Wherein his Lordship may do a deed acceptable to God and honourable to himself; and I shall be infinitely bound to his Lordship and beholden to you, who now, till I receive some comfort from his Majesty, rest the most sorrowful creature living.

"ARABELLA SEYMOUR." [1]

Lady Arabella to ——.

"My Lord,

"The nobleness of your nature, and the good opinion it hath pleased your Lordship to hold of me heretofore, emboldeneth me to beseech your Lordship to enter into considera-

[1] Cotton MSS., Vespasian, vol. iii. f. 35, holograph.

tion of my distress, and to be touched with the misery I am in for want of his Majesty's favour, whose clemency and mercy is such that if it would please you to make my grief known, and how nearly it toucheth my heart that it hath been my hard fortune to offend his Majesty, I cannot doubt but it would procure me both mitigation of the hard doom, and mercy in some measure, to yield comfort to my soul, overwhelmed with the extremity of grief which hath almost brought me to the brink of the grave. I beseech your Lordship deal so with me as my prayers may procure you God's reward for what you do for his sake; which, though it be but a cup of cold water (I mean any small hope of mitigation of his Majesty's displeasure), shall be most thankfully received by me: and I doubt not but, if it please your Lordship to try your excellent gifts of persuasion, his Majesty will lend a gracious ear to your Lordship, and I shall rest ever bound to pray for your Lordship's happiness, who now myself rest the most unfortunate and afflicted creature living.

"A. S."[1]

A letter addressed to Mrs. Drummond alludes to some token of royal favour which induced Lady Arabella to venture, through her, to present some gloves which she had worked for the King.[2]

"*To my honourable good cousin, Mrs. Drummond.*

"Good Cousin,

"I pray you present his Majesty my most humble thanks for the token of the continuance of his Majesty's favour towards me that I received in your letter, which hath so cheered me as I hope I shall be the better able to pass over my sorrow (till it please God to move his Majesty's heart to compassion of me), whilst I may thereby assure myself I re-

[1] Bibl. Harl., 7003, No. 104.

[2] Vide Appendix U, Mrs. Drummond's letter to Lady Arabella; also another letter of petition from Lady Arabella.

main in his Majesty's favour, though all other worldly comforts be withdrawn from me; and will not cease to pray to the Almighty to reward his Majesty for his gracious regard of me in this distress with all happiness to his Royal self and his. I pray you likewise present his Majesty this piece of my work, which I humbly beseech his Majesty to accept in remembrance of the poor prisoner his Majesty's most humble servant that wrought them, in hope those Royal hands will vouchsafe to wear them, which till I have the honour to kiss, I shall live in a great deal of sorrow. I must also render you my kindest thanks for your so friendly and freely imparting your opinion of my suit. But whereas my good friends may doubt my said suit will be more long and difficult to obtain than they wish by reason of the wisdom of this state in dealing with others of my quality in the like cause, I say that I never heard nor read of anybody's case that might be truly and justly compared to this of mine, which, being truly considered, will be found so far differing as there can be no true resemblance made thereof to any others; and so I am assured that both their Majesties (when it shall please them duly to examine it in their princely wisdoms) will easily discern. And I do earnestly entreat you to move his Majesty to vouchsafe the continuance of his so gracious a beginning on my behalf, and to persuade his Majesty to weigh my cause aright, and then I shall not doubt but speedily to receive that Royal justice and favour that my own soul witnesseth I have ever deserved at his Majesty's hands, and will ever endeavour to deserve of him and his whilst I have breath. And so, with many thanks to yourself for your kind offices, I take leave and rest

"Your very loving cousin,

"ARABELLA SEYMOUR.

"To my honourable good cousin,
Mrs. Drummond."[1]

This humble offering of her own work was rejected.

[1] Bibl. Harl., 7003, No. 66.

Lady Arabella suspected that Lord Fenton had been instrumental in its rejection, and seems to have written the draft of a letter under the excitement of that opinion, and the disappointment of finding the King still implacable towards her. Whether this draft was corrected by herself or by another, it is clear, by the passages crossed out when compared with those written fair, that the corrections were made in a calmer mood than those first written.

Lady Arabella to the Lord Viscount Fenton.

"My Lord,

"The long acquaintance betwixt us, and the good experience of your honourable dealing heretofore, maketh me not only hope but be most assured that if you knew my most discomfortable and distressed estate you would acquaint his Majesty with all, and consequently procure my relief and redress, as you have done other times. I have been sick even to the death, from which it hath pleased God miraculously to deliver me for this present danger, but find myself so weak, *by reason I have wanted those ordinary helps whereby most others in my case, be they never so poor or unfortunate soever, are preserved alive at least for charity, that, unless I may be suffered to have those about me that I may trust, this sentence my Lord Treasurer pronounced after his Majesty's refusing that trifle of my work by your persuasion, as I take it, will prove the certain and apparent cause of my death, whereof I thought good to advertise you that you both may be the better prepared in case you or either of you have possessed the King with such opinions of me, as thereupon I shall be suspected and restrained till help come too late; and be assured that neither physician nor other but whom I think good shall come about me whilst I live till I have his Majesty's favour, without which I desire not to*

live; and if you remember of old I dare die, so I be not guilty of my own death, and oppress others with my ruin too, if there be no other way, as God forbid, to whom I commit you, and rest as assuredly as heretofore if you be the same to me,

Your Lordship's faithful friend,

A. S.

I can neither get clothes nor posset ale, for example, nor anything but ordinary diet and complement fit for a sick body in my case when I call for it, not so much as a glister, saving your reverence,[1] that, unless it please his Majesty to show me mercy, and that I may receive from you at least some hope of regaining his Majesty's favour again, it will not be possible for me to undergo the great burthen of his princely displeasure. Good my Lord, consider the fault cannot be uncommitted, neither can any more be required of an earthly creature but confession and most humble submission, which, if it would please your Lordship to present to his Majesty, I cannot doubt but his Majesty would be pleased to mitigate his displeasure, and let me receive comfort, which favour if I may obtain from your Lordship now in my greatest necessity, I shall ever acknowledge myself bound to you for it, and the rest of my life shall show how highly I esteem his Majesty's favour. The Almighty send to your Lordship health, and make you his good means to help me out of this great grief!

"Your Lordship's most distressed friend.

"To the Right Honourable
the Viscount Fenton."[2]

Other petitions addressed to the King mark the same tone of wretchedness and supplication, and met with no better success:—

[1] The part printed in italics is crossed out in the original.

[2] Bibl. Harl., 7003, No. 153.

Lady Arabella to the King.

"May it please your most excellent Majesty,

"The unfortunate estate into which I am fallen by being deprived of your Majesty's presence (the greatest comfort to me upon earth), together with the opinion is conceived of your Majesty's displeasure towards me, hath brought as great affliction to my mind as can be imagined. But I will trouble your Majesty no longer, but, in all humility attending your Majesty's pleasure for that liberty the want whereof depriveth me of all health and all other worldly comforts, I will never forget to pray for your Majesty's most happy prosperity for ever in all things, and so remain

"Your Majesty's most humble and faithful subject and servant."[1]

The following letter betokens still greater despair, and is the only one in which the sense of her misery wrung from her an expression bordering on regret even for the event which had brought down upon her the King's displeasure:—

Lady Arabella to the King.

"In all humility, the most wretched and unfortunate creature that ever lived prostrates itself at the feet of the most merciful king that ever was, desiring nothing but mercy and favour, not being more afflicted than for the loss of that which hath been this long time the only comfort it had in this world; and which, if it were to do again, I would not adventure the loss of for any other worldly comfort. Mercy it is I desire, and that for God's sake."[2]

By the frequent mention of sickness and weakness it is clear that her health declined under the baneful in-

[1] Bibl. Birch, 4161, No. 36.

[2] Ibid., No. 61.

fluence of sorrow and captivity; her mind also suffered from these trials, her reason gave way, and she became insane. To what degree she was affected, whether permanently or only at times, or what form her mental malady assumed, is not known; it may have diminished her sufferings by delusion or forgetfulness of the truth, —it may have added horrors or morbid melancholy to her real afflictions: all that is known of her state is from the meagre notices contained in a letter from John Chamberlayne to Sir Ralph Winwood,[1] dated March 10th, 1612-13, in which he writes, "The Lady Ara- "bella is said to be distracted, which (if it be so) comes "well to pass for somebody, whom they say she hath "nearly touched."[2] And again, in a letter dated May, 1613, when he says, "The Lady Arabella is likewise "restrained of late, though they say her brain continues "still cracked; and the Countess of Shrewsbury more "close than at any time before, and not without cause, "as the voice goes."[3]

The year afterwards her melancholy condition of body and mind determined the Privy Council to send a clergyman to visit and comfort her from time to time. The following minute of a letter addressed to Dr. Fulton by the Privy Council confirms the fact of her

[1] Winwood's 'State Papers,' vol. iii. p. 442.

[2] This is supposed to relate to the Countess of Shrewsbury. A short time before (Jan. 29, 1612-13), Mr. Chamberlayne writes thus to Sir R. Winwood:—"The Lady of Shrewsbury, that hath been long in the Tower, "and had the liberty of the place, and sometimes to attend her Lord in his "sickness, is now of late restrained and kept more close, upon somewhat "discovered against her, as they say, by her niece the Lady Arabella."—p. 429.

[3] Winwood's 'State Papers,' vol. iii. p. 454.

alienation of mind, yet certainly implies that her malady had not assumed the form either of frenzy or of idiotcy, which would have rendered such visits too useless to be attempted :[1]—

Privy Council to Dr. Fulton, 8th September, 1614. *Minute.*

"A Letter unto Mr. Doctor Fulton.

"Whereas we are informed that the Lady Arbella, prisoner in the Tower, is of late fallen into some indisposition of body and mind, and that it is requisite that some person of gravity and learning be admitted unto her, to give her that comfort as is expedient for a Christian in cases of weakness and infirmity: we have therefore thought meet, out of our knowledge and experience of your sufficiency and discretion, hereby to pray and require you to make your speedy and undelayed repair unto the Tower, and to give her such spiritual and fitting comfort and advice as you shall see cause; and so to visit her from time to time as in your judgment shall be thought fit. And this letter being showed unto the Lieutenant shall be your sufficient warrant in that behalf. And so, &c."[2]

This is the last certain information that remains of

[1] Miss Costello, in a work entitled 'Lives of Eminent Englishwomen,' speaks of Lady Arabella as "raving in her dismal cell, a maniac, and unpitied;" and of having "afterwards sunk into helpless idiotcy."—vol. i. p. 321. For this account of the course of her malady no authority is quoted; and none that is open to the public affords such details, or supports the graphic description given in the same work, of an examination before the Council, "where her hearers were *desirous* to find matter of punishment in her words," and "when her judges were at length convinced they were listening to the ravings of insanity;" and then, "awestruck by the catastrophe, neither the King nor his ministers dared prosecute inquiry further." There seems to be no other foundation for the idea that Lady Arabella made any revelation concerning her aunt beyond the vague expression of Chamberlayne's, quoted in a preceding note (p. 237).

[2] Council Reg., Jac. I., vol. i. fol. 205.

Lady Arabella's condition. It was about a twelvemonth afterwards that death put an end to the sufferings of this unhappy lady; she expired in the Tower in the month of September, 1615, and on the 27th was interred, by order of the King, in Westminster Abbey.[1] The death of Lady Arabella seems to have been followed by the suspicion that she was poisoned—a suspicion, indeed, which in those days seems to have generally attended the death of every person of exalted position, especially if it took place in a state prison; but the precaution usually taken by the Court in such cases was adopted, and as soon as her death was known the Secretary of State directed a warrant for a post-mortem examination of the body. The opinion delivered by the physician, after a careful examination, was, that the cause of death was a confirmed disease of the liver.[2]

[1] Some curious letters respecting Lady Arabella's goods after her imprisonment and death, and Mr. Seymour's claims against the Lieutenant of the Tower, are preserved in the Council Office.—Vide Appendix V.

[2] "*To my very loving friend, the President of the College of Physicians in the City of London.*

"After my hearty commendations: whereas the Lady Arabella is lately "deceased in the Tower, and that it is his Majesty's pleasure, according "to former custom upon like occasions, when persons of great quality do "die in that place, her body should be viewed by persons of skill and "trust, and thereupon certificate to be made of what disease she died, as "to their judgment it shall appear; these are, therefore, to will and require "you to appoint some three physicians of your Society, of good reputation, "as well for their learning as otherwise, who, together with the physicians "of the said Lady Arabella, shall presently repair unto the Tower, and "there view and search the corpse of the said Lady, and to return jointly "their opinion unto me of the nature of the disease whereof she died, that "we may acquaint his Majesty therewithal. And so I bid you heartily "farewell.

"From the Court at Whitehall, this 27th of September, 1615.

"Your loving friend,

"RALPH WINWOOD."

The

Thus closed the life of one who termed herself "the "most wretched and unfortunate creature that ever "lived;" her happiness, her liberty, her health, and her reason, seem to have fallen a sacrifice to the cruel fate imposed upon her and her husband by the arbitrary exercise of kingly power. The question that naturally suggests itself is, what was the motive that induced James, in spite of the manifest injustice of such conduct, in spite of the ties of blood, in spite of the most humble and penitent acknowledgment of error, and the most frequent and urgent supplications for mercy, to have pursued a course of such unrelenting severity towards his unhappy cousin from the period of her marriage being discovered?[1] Was it anger, or was it fear? Anger, no doubt, in the first instance, would have suggested the punishment, even the severe punishment, of both the objects of his resentment; but anger, unaccompanied by any other motive, was not likely for so long a period to influence the conduct of one who was rather mean, cunning, and politic than violent or vindictive.

The opinion of the physicians as to the cause of death was:—"A long "chronical sickness; that the species of her disease was a cachexy, which, "daily increasing (partly by her own neglect, and partly by her aversion "to medicine), did at length bring her into a confirmed indisposition of "her liver, and extreme leanness, from which causes death must needs "ensue." This Report was signed by the President, Register, and four Fellows of the College.—Dr. Goodall's 'Proceedings against Empirics, p. 381. Biographia Britannica, vol. i. p. 229.

[1] Dr. Goodman, Bishop of Gloucester, mentions "Lady Arabella's "usage and imprisonment only for her marrying the now Earl of Hert-"ford, which match could be no disparagement to her nor to her royal "kindred, but was every way a fit and a convenient match. She was a "very virtuous and a good-natured lady, and of great intellectuals, harm-"less, and gave no offence."—Goodman's 'History of his own Times,' vol. i. p. 209.

The fears and suspicions that attend a doubtful succession have been the causes generally attributed to James for his harsh treatment of Lady Arabella, and it is thought that, like his predecessor, he entertained a jealous apprehension of the marriage of those who were nearly related to him. James, however, had little or no real ground of alarm from Lady Arabella's hereditary pretensions to the throne; she could have no claim by descent that was not inferior to his own.

Arabella was descended like himself from Margaret, Queen of Scotland, the eldest daughter of Henry VII.; but James was the lineal descendant of the eldest son of her first marriage,[1] whilst Lady Arabella was the descendant of the daughter of her second marriage;[2] therefore, independently of that uncertain sign made by Elizabeth on her deathbed,[3] and which was accepted as a token that she wished to name James for her successor, he had over Lady Arabella the double superiority

[1] Henry VII.

James IV. of Scotland. = Margaret = Douglas, Earl of Angus.

Margaret = Matthew Earl of Lenox.

James V.

Mary Queen of Scots. = Henry Darnley. Charles Earl of Lenox.

James VI. and I. of England. Arabella Stuart.

[2] The still nearer relationship that existed between Arabella and the King (that of first-cousin) by the marriage of her uncle, Henry Darnley, to Mary Queen of Scots, in no way affected her position respecting the throne.

[3] On Wednesday, the 23rd of March, the Queen grew speechless. That afternoon, by signs, she called for her council, and, by putting her hand to her head when the King of Scots was named to succeed her, they all knew he was the man she desired should reign after her.—Memoir of Robert Carey, Earl of Monmouth, 8vo. ed. 1808, p. 119.

of claim that arose from primogeniture and the preference of heirs male over female in the succession to the throne.

Lady Arabella was brought up in England under the care of her maternal grandmother, Elizabeth Countess of Shrewsbury, and from this circumstance she derived the only advantage she could be supposed to have over the King of Scotland, an advantage which seems to have been felt and noticed during the reign of Elizabeth. "It is alleged in her behalf," says Father Parsons,[1] "that she is an Englishwoman, born in Eng-"land, and of parents who at the time of her birth "were of English allegiance, wherein she goeth before "the King of Scots as hath been seen . . . . by her "admission no such inconvenience can be feared of "bringing in strangers, or causing troubles and sedition "within the realm, as in the pretence of the Scottish "King hath been considered, and *this in effect is all* "*that I have heard alleged for her.*"[2]

This real or supposed advantage had certainly not been overlooked by Elizabeth. She considered the throne as within her own power of bequest; and the custody of Arabella was a useful hint to the cautious James not to provoke her displeasure. James made a fruitless attempt to emancipate Lady Arabella from the

[1] Father Parsons, a celebrated English Jesuit, was the son of a blacksmith, at Nether Stowey, near Bridgewater, in Somersetshire, where he was born 1546, died 1610. He published several works under the assumed name of R. Doleman. Of these the most celebrated was his Treatise, published in 1594, entitled 'A Conference about the next Succession to the Crown of England.'

[2] Vide Doleman's 'Conference,' part ii. cap. v. pp. 124-5.

Court of England, by asking her hand in marriage for his cousin Esme Duke of Lenox. Elizabeth haughtily refused her consent to this proposal,[1] and retained her within her own dominions.[2] But James, once seated on the throne, and therefore safe from any capricious exclusion by the will of his predecessor, had no cause to look upon Arabella as one of rival pretensions.[3]

With the descendants of Mary Duchess of Suffolk the case was different; their claims to the throne rested not on similar but on opposite grounds to his own. By the will of Henry VIII. the issue of his second sister, Mary Duchess of Suffolk, had precedence in succession over the descendants of his elder sister, Margaret of Scotland. The will of Henry VIII. was solemnly read in the House of Lords immediately

[1] "In the seventh article of Mr. Ogleby's Negotiations into Spain, anno "1596, it is observed that the Queen of England would not deliver up to "the King of Scots Arabella, his uncle's daughter, to be married to the "Duke of Lenox in Scotland, at the time when the said King, having no "issue, intended to make the said Duke his successor and heir to the "Crown of Scotland."—Ballard's 'Memoirs of Ladies,' p. 249. It is to be supposed, from Lady Arabella's letter to James (p. 297), that she had been anxious to comply with his wishes respecting her marriage, as she alludes to that subject as one on which "she had long desired to merit of his Majesty, as appeared before his Majesty was her sovereign."

[2] A proposal was afterwards made for Lady Arabella to marry a son of the Earl of Northumberland, which, being favourably received by her friends, so much displeased Elizabeth, that she actually placed her in confinement.

[3] Her name was, of course, liable to be used as an object round which sedition might rally, but to this Lady Arabella had never given any sanction; and there is every reason to suppose that James was satisfied at the time of Sir Walter Raleigh's trial with the statement made by Cecil, that "she was as innocent of all such things as himself or any man present," and with the straightforward, simple manner in which she declined being made the tool of Raleigh or Cobham, having only laughed at a letter she received from Lord Cobham, and sent it to the King.

after his death, and no doubt was raised against its validity during the reign of Edward VI.[1] Elizabeth, on various occasions through life, certainly marked her indifference to the provisions of her father's will; but though its validity was shaken, the claims created by it were not extinguished and were always liable to be reasserted: the pretensions of the Houses of Seymour and of Stanley[2] had been boldly set forth by Father Parsons in the reign of Elizabeth, as far superior to those of the King of Scotland.[3]

An uncertain taint of illegitimacy rested on the issue of the marriage of Lord Hertford and Lady Catherine Grey; their marriage had been declared no marriage by a Commission, of which Archbishop Parker was the head. Lord Hertford and Lady Catherine had, however, both solemnly declared themselves to have been married by a person in holy orders; their difficulty in establishing the legality of their marriage arose from the death of their only witness, Lady Jane Seymour. Lord Hertford appealed against the decision of the Commission; the opinions of learned foreign jurists

[1] The genuineness of Henry VIII.'s will now remains a question rather of antiquarian interest than of even historical importance; but an admirable discussion on this subject is to be found in a treatise by Alexander Luder, entitled 'Tract on the Right of Succession to the Crown in the reign of Elizabeth.'

[2] Eleanor, second daughter of Charles Brandon, and Mary, sister of Henry VIII., married Henry Clifford, Earl of Cumberland, by whom she had one daughter, Margaret, who married Henry, fourth Earl of Derby.

[3] Doleman's own conjecture as to the succession was, "that of any "foreign princes that pretendeth the Infanta of Spain is likest to bear it "away . . . and, on the other side, of any domestical competitors, the "second son of the Earl of Hertford, or of the issue of the Countess of "Derby, carrieth much show to be preferred."—Part ii. cap. x. p. 263.

were obtained, and the result of the opinions of the learned at home and abroad[1] appears to have been in his favour.[2] The sentence of the Archbishop and Commissioners was never reversed in point of form, but it does not appear to have been acted on, inasmuch as the eldest son bore the title of Lord Beauchamp, as the legitimate son of his father. The sentence was probably regarded as given under the influence or dictation of the Court; and had any successful effort been made to set up the pretensions of the descendants of Lady Catherine Grey, this decision would doubtless have

[1] Vide Luder's 'Tract,' p. 213.

[2] From a letter of Sir William Cecil to Sir Thomas Smith, of the 27th April, 1564, it seems probable that the Lady Catherine and Lord Hertford's imprisonments, in a measure, owed their prolongation to the mistaken zeal of one John Hales, who had been Clerk of the Hanaper in the reign of Henry VIII. He says,—"Here is fallen out a troublesome fond "matter. John Hales had secretly made a book in the time of the last "Parliament, wherein he hath taken upon him to discuss no small matter, "viz. the title to the Crown after the Queen's Majesty; having confuted "and rejected the line of the Scottish Queen, and made the line of the "Lady Frances, mother to the Lady Catherine, only next and lawful. "He is committed to the Fleet for this boldness, specially because he hath "communicated it to sundry persons. My Lord John Gray is in trouble "also for it. Beside this, John Hales hath procured sentences and coun-"sels of lawyers from beyond seas to be written in maintenance of the "Earl of Hertford's marriage. This dealing of his offendeth the Queen's "Majesty very much. God give her Majesty by this chance a disposition "to consider hereof, that either by her marriage or by some common order "we poor subjects may know where to lean and adventure our lives with "contentation of our consciences."—MS. Lansd., No. 102, art. 49. Bishop Jewell expressed himself in a similar manner upon this subject in a letter to Peter Martyr, from Salisbury, 7th February, 1562.—From Ellis's 'Original Letters,' vol. ii. p. 285. "The Lord-Keeper Bacon, him-"self a known friend to the House of Suffolk, being suspected of having "prompted Hales to write this treatise, lost much of his mistress's "favour."—Hallam's 'Constitutional History,' vol. i. p. 174.

been then as easily reversed, as it will be seen it was afterwards, by the mere will of the Sovereign.

James might be so far indifferent to the happiness of Lady Arabella as to trouble himself little, as she herself expressed it, in arranging any suitable marriage for her; yet he had declared himself quite willing that she should bestow herself on any subject of his: the secret choice, however, of one who might become a pretender to the throne was an offence which excited his jealous alarm.[1]

The Catholic party was that from which James had most to apprehend, and there was always just cause of fear lest some pretender amongst those who by descent or by will had any claim to the throne should serve as a leader round whom to rally. Lady Arabella had been suspected, though upon what grounds it is not easy now to determine, to be lukewarm in her Protestant faith, and easily to be perverted to Romanism.[2] William

[1] Vide Appendix W, 'Report from Sir George Waldegrave to the Privy Council, and Sir James Lancaster's letter,' showing how readily the idea of conspiracy was listened to on the utterance of words of doubtful import.

[2] Father Parsons thus speaks of Lady Arabella's religion in the latter part of Elizabeth's reign :—"As to her religion, I know it not; but pro- "bably it can be no great motive either against her or for her; for that by "all likelihood it may be supposed to be as tender, green, and flexible "yet as is her age and sex, and to be wrought hereafter and settled ac- "cording to future events and times."—Vide Doleman's 'Conference,' part ii. cap. ix. p. 249. It must be remembered, however, that Doleman, being a Catholic, might more readily lean to the idea of her easy conversion. Her aunt, Lady Shrewsbury, whose participation in the secret of the marriage caused her imprisonment with Lady Arabella, might be supposed to have had much influence over her niece; and there is reason to think that she was a Catholic. Lady Arabella, in a letter to her uncle the Earl of Shrewsbury, says,—"No folly is greater, I trow, than to

Seymour was young, being little more than twenty-two years old, when first summoned to the Privy Council on Lady Arabella's account. His religious principles, therefore, could hardly be well known, or perhaps be thought hardly well assured. The marriage of William Seymour and Lady Arabella might at once unite in a common cause not only the Catholic party and those who held to the provisions of Henry VIII.'s will, but those also who, holding to the succession of the descendants of Margaret of Scotland, preferred to see on the throne a Princess of the blood royal who had been brought up in England to the stranger James. True, such pretensions as these would have been setting at defiance the laws of primogeniture both on the part of

"laugh when one smarteth; but *that my aunt's divinity can tell you, St.* "*Lawrence*, deriding his tormentors even upon the gridiron, bade them "turn him on the other side, for that he lay on was sufficiently broiled, "I should not know how to excuse myself from either insensibility or con- "tempt of injuries."—Lodge's 'Illustrations,' vol. iii. p. 257. Goodman, Bishop of Gloucester, speaks thus of James's conduct to Lady Arabella, which he admits to deserve blame:—"Now let us hear what King "James said in his own defence. First, that the Lady Arabella was his "nearest kinswoman, and therefore both in duty and respect unto him he "should not have been neglected in a business of that high nature. Se- "condly, that she was his ward, and therefore in the course of common "law she ought not to have disposed of herself. Thirdly, that he, out of "his tender care and love unto her, did often proffer marriages unto her, "and she ever said she did no way incline unto marriage; and had she of "herself proposed any one to the King whom she did like and affect, the "King did promise his best endeavours to further it. Fourthly, that she "did match with one of the blood-royal who was descended from Henry "VII., so that by this match there was a combination of titles, which "princes have ever been jealous of; and considering what issue the King "had, and that his only daughter was matched to a foreign Prince, what "the multitude might do in such a case, and upon such an occasion, he "thought in honesty and policy he might prevent."—Goodman's History of his own Times, vol. i. p. 210.

Arabella and of Seymour; but James might not unnaturally think that, should the vital question be at stake whether the throne should be so filled as to afford protection to the Catholic or to the Protestant cause, the minor difficulty respecting primogeniture would be easily overcome. Singly, neither the Seymours nor Lady Arabella were regarded by him with apprehension; but, their fortunes united, he feared their receiving the combined support of the enemies of his religion and of his person, and viewed their possible pretensions with suspicion. The alarm created by their escapes is thus spoken of in a letter[1] by a contemporary:—"The "Scots and English differ much in opinion upon this "point." . . . "The Scots aggravate the offence "in so strange a manner as that it might be compared "to the Powder Treason; and so it is said to fill his "Majesty with fearful imaginations, and with him the "Prince, who cannot easily be removed from any "settled opinion."

This change in Prince Henry's feelings was very unfortunate for Lady Arabella, as he had been till now one of her kindest friends at Court.

The protection afforded to Seymour by the Archduke Albert, and the little sympathy evinced by that Prince in James's feelings of anger and alarm, appear to have strengthened his apprehension of Catholic design and influence. Immediately on the discovery of the escape of Seymour and Lady Arabella, "the King," says Mr. John More, in his letter to Sir Ralph Win-

[1] Mr. John More to Sir Ralph Winwood.—Winwood's 'State Papers,' vol. iii. p. 281.

wood (dated June 8th, 1611),[1] had "despatched in haste "three letters written by Sir Thomas Lake to the King "and Queen Regent of France, and to the Archdukes, "all written with harsher ink than now if they were to do "(I presume) they should be, especially that to the "Archdukes, which did seem to presuppose their course "to tend that way; and all three describing the offence "in black colours, and pressing their sending back with-"out delay. Indeed, the general belief was that they "intended to settle themselves in Brabant, and that "under the favour of the Popish faction." A letter was also written by the Lord Treasurer Salisbury to Mr. Trumbull, Resident at Brussels, directing him to demand an audience of the Archduke, in order that he might deliver to him a letter on the subject.[2] This letter was coldly responded to by the Archduke, and Mr. Trumbull received further instructions from the Lord Treasurer Salisbury,[3] to "carry always on Mr. Seymour "a watchful eye, to observe what entertainment he doth "find there, to observe how he is respected, to whom he "most applies himself, who especially resort unto him, "and what course he purposeth to take, either for his "stay or his remove." Mr. Trumbull was ordered "to "forbear both his conversation and his confidence;" he

[1] Winwood, vol. iii. p. 280. The Archduke Albert governed the Austrian Netherlands in right of his wife, Isabella, daughter of Philip II., and they were associated together as joint sovereigns under the title of Archdukes, without distinction of sex.

[2] Appendix X. Letter from the Lord Treasurer Salisbury to Mr. Trumbull.—Winwood's 'State Papers,' vol. iii. p. 278.

[3] Appendix Y. The Lord Treasurer Salisbury to Mr. Trumbull.—Winwood's 'State Papers,' vol. iii. p. 282.

was "to be to him as a Gentile, so long as he doth "remain a *proselyte*[1] of that country, casting away that "duty and obedience with which he was born, and "betaking himself to protection in those parts;"[2] and moreover he was to let Mr. Seymour know that "he "will deceive himself if ever he thinks to find favour "whilst he liveth under any of the territories of Spain, "Rome, or of the Archdukes; in all which places, all "that are ill-affected only find residence and favour."

The Archduke's ambassador to the English Court was said to have carried himself "*very strangely* ever since his arrival." He brought with him a letter from the Archdukes in favour of Mr. Seymour, and it was thought "no less strange than the rest" that a hope was expressed that his Majesty would be pleased to pardon *so small a fault as a clandestine marriage*, and to suffer his wife and him to live together.[3] Doubtless this interference on the part of the Archdukes in favour of Seymour served not only to strengthen James's resentment against the unfortunate exile, but to augment his apprehensions of Catholic intrigues.[4] It was not without reason that James regarded with peculiar jealousy

[1] *i. e.* denizen.

[2] Winwood's 'State Papers,' vol. iii. p. 282.

[3] Mr. John More's letter to Sir R. Winwood, dated November 13, 1611. —Winwood's 'Memoirs,' vol. iii. p. 301.

[4] An old ballad, founded on the story of William Seymour and Lady Arabella, shows that the idea of James's suspicion of her leaning to the Roman Catholic religion having influenced his conduct in separating her from her husband was current within a few years of the event, or at least in the lifetime of William Seymour. It speaks of William Seymour as the son, meaning grandson, of the *late* Earl of Hertford, Edward Earl of Hertford having died in 1621, and his successor, William, was no longer an earl at the time of his death.—Vide Appendix Z.

the protection afforded by the Archdukes to those who had fallen under his displeasure, or had become the objects of his suspicion. The position of the two Courts was almost necessarily hostile: that of the Archdukes was the head-quarters of the Catholic interest in northern Europe; whilst it was upon his maintenance of the Protestant cause in England that James depended for his power, or even the security of his throne.[1] The conduct of the Archdukes on certain occasions had been calculated to increase James's fears that they desired to promote, or at least support, the Catholic intrigues and conspiracies that were formed against him in his own dominions. The disaffected Irish chieftains sought refuge in Flanders; they were honourably received by the Archdukes, and publicly feasted by Spinola; and a new company was formed in the Archdukes' army, to give "present entertainment" to their followers.[2] The rebel Earl of Tyrone was welcomed with all honours by Albert and Isabella, and gratified with the titles of "the Excellent Prince," "the Great O'Neal;"[3] and suspicions were entertained by James that certain English Catholics, who had found an asylum in Flanders, had been concerned in the Gunpowder Plot.[4]

[1] Cardinal Bentivoglio, who was sent as nuncio by Leo XI. to the court of Flanders in 1607, and who gives a most glowing description of the perfections of Albert and Isabella (Relazione delle Provincie ubbidienti di Fiandra, vol. i. p. 140, ed. 1806), alludes to the unfriendly dispositions that existed between their court and that of the heretical King of England. (Ibid. 167.)

[2] Miss Aikin's James I., vol. i. p. 315.

[3] Ib. p. 291; and Bentivoglio, 'Relazione,' vol. i. p. 179.

[4] Bentivoglio, ib. The sensation produced by Doleman's book on the

It was, indeed, to the fears excited by a renewed residence at the court of the Archdukes that Seymour owed the first symptom of relenting on the part of the King. It appears that he had for a while, and perhaps in deference to the King's wishes, lived in France, but, being obliged to again seek the protection of the Archdukes, he addressed a letter to the Privy Council, stating the reasons of his return to their dominions. The following letter from the Privy Council to the Earl of Hertford, on behalf of his grandson, was the result of this statement:—

Privy Council to the Earl of Hertford, 21*st May*, 1615.

Minute.

"A Letter unto the Earl of Hertford.

"By a letter lately written unto us from Mr. William Sey-

Succession was such as to have marked the importance attached not only to his arguments, but perhaps even to his speculations. He had, as before mentioned (p. 344), spoken favourably of the pretensions of the Infanta of Spain to the throne of England; and the following opinions of her power to transfer her own interest to that of any other prince of similar pretensions might not have been indifferent to James, when he saw how readily the rights of hospitality were exercised towards those whom he considered as dangerous, disaffected, or disobedient:—"I said also that this "lady Infanta, or some other by her title and her father's good will, was "likest of all strangers to bear it away, for that, if she should either die or "be married in any other country, or otherwise to be disposed of as her "pretence to England should be disenabled before this affair came to be "tried, then may her said father and she, if they list, cast their foresaid "interests and titles (as divers men think they would) upon some other "prince of their own house and blood, as, for example, either upon some "of the families of Parma or Braganza before mentioned, or of the house "of Austria, seeing that it wanteth not many able and worthy princes of "that house, for whom there would be the same reasons and considerations "to persuade their admission by the English that have been alleged before "for the Infanta, and the same utilities to the realm, and motives to "Englishmen, if such a matter should come in consultation, and the same "friends and forces would not want abroad to assist them."—Doleman's "Conference,' p. 264.

mour, we perceive that his many debts in France, and the small means he hath either for discharge of those debts or his future maintenance, is the cause of his abode in the Archduke's dominions, and that gladly he would return again into France if he were enabled so to do. And forasmuch as he seems desirous so to behave himself abroad as by his discreet and dutiful carriage he might merit and regain his Majesty's grace and favour, which, so long as he continues in the place he now is in (being ordinarily the receptacle and retreat for priests, Papists, and fugitives), he can hardly do, we thought fitting to acquaint his Majesty with the contents of his letter, and the rather for that your Lordship might peradventure be scrupulous in the extending your liberality towards him, considering how justly he hath incurred his Majesty's indignation; but so gracious is his Majesty's care of the poor gentleman, and so unwilling he is that he should add offence unto offence, by being corrupted (in the place where he is) either in his religion or allegiance, or both, as he is contented that your Lordship should give order for the enabling him to return and remain in France; which we pray your Lordship to perform towards him, and the rather for this our intercession on his behalf. And so, &c."[1]

Whether Lord Hertford availed himself of this royal permission to pay his grandson's debts does not appear. Four months later Lady Arabella died, and three months after that event a petition was addressed to the King by Seymour, praying for forgiveness and leave to come home.

Sir William Seymour to James I.

[1*st Jan.* 1615-16.] *Holograph.*

S. P. O. Domestic.

"Vouchsafe, dread Sovereign, to cast your merciful eyes upon the most humble and penitent wretch that youth and igno-

[1] Council Register, Jac. I., vol. i. fol. 312.

rance have thrown into transgression, and shut not up your mercy from him to whom time and riper years have given the true sense and feeling of his errors, and to whom nothing remains but the hope of your princely mercy and forgiveness, and that not of merit, but merely out of your royal goodness, whereunto I most humbly appeal, acknowledging upon the knees of my heart the grievous offences of my youth, the which with the tribute of my life in your Majesty's service I shall ever account most happily redeemed. Be therefore pleased, I most humbly beseech your sacred Majesty, to take home a lost sheep of yours, whose exile hath been accompanied with many afflictions, besides the loss of your Majesty's most gracious favour, which hath given a most bitter feeling of all the rest. Thus beseeching the Almighty, that rules the hearts of kings, to move your Majesty to restore me, I most humbly prostrate myself at your princely feet, heartily praying for the long preservation of your Majesty and your most royal progeny, of whose end may the world never see an end till she feel her own.

Your Majesty's

Most loyal subject and servant,

WILLIAM SEYMOUR.

(No date nor address; but the date is pretty correctly ascertained by the next entry in the Privy Council Register of 1616.)

This petition would probably have met with no better reception from James than the frequent and piteous supplications of Lady Arabella, but that one great cause of apprehension in his return home was removed by her death, whilst the fear of Catholic influence abroad remained undiminished. He received for answer the following letter addressed to him from the Privy Council:

The Privy Council to Sir Wm. Seymour, 5th Jan. 1615-16.

Minute.[1]

A LETTER TO MR. WILLIAM SEYMOUR.

"We have of late received a letter from you, wherein we are very glad to observe that you acknowledge your fault and high offence unto his Majesty with a repentance (as we hope) unfeigned and sincere. We do therefore let you know that, according to your humble request, we have interceded for your return unto his Majesty, who is graciously pleased, upon this your sorrow and humble submission, to extend his favour and mercy towards you, and is contented that you may freely and safely come into your country again as soon as you think good; for which this our letter shall be your warrant. And so, &c."

Of this permission to come home Mr. Seymour must have availed himself immediately; for on the 21st of the same month[2] on which it bears date he was summoned to attend once more an examination before the Privy Council. His return must indeed have been embittered by the knowledge of all his unhappy wife had suffered in body and mind during the four long years of weary captivity she had incurred for his sake, and the question on which he was summoned to give evidence was calculated to painfully awaken the recollection of those hopes and feelings that had been cruelly blighted by the harsh policy of James.

A doubt had arisen (from what cause does not appear) whether Lady Arabella had ever given birth to a child, and witnesses were now called by the Privy Council to be examined on this point.[3] Mr. Seymour declared

[1] Council Register, Jac. I., vol. ii. p. 133.
[2] January, 1615-16. [3] State Paper Office.

that to his knowledge no such event had occurred; and the evidence of her waiting-woman, Ann Bradshaw,[1] decided the question that she had never been a mother. That Lady Arabella left no child to keep alive the jealous apprehension of James was certainly fortunate for the future peace and security of Seymour; and his less ambitious marriage the following year with Lady Frances Devereux probably satisfied the king that he had no aspiring views that might be dangerous to the tranquillity of his reign. In a letter of John Chamberlayne's to Sir Dudley Carleton, on the 22nd of February 1616-17, he says—"Sir William Seymour, that married the "Lady Arabella, is in some forwardness to marry the "Earl of Essex's sister."[2] The marriage had probably been agreed on the month before, as Lord Hertford then made a resettlement of his estates; the precise time at which the ceremony took place has not been noted.

For the four ensuing years history furnishes no events in the life of William Seymour. It has been already stated that in the year 1612 his father, Lord Beauchamp, had died, and in 1620 his elder brother died also, leaving no children.[3] On the 6th of April, 1621, the Earl of Hertford descended to the grave at the advanced age of eighty-three,[4] and William Seymour, now thirty-three years old, stood as the representative of the family honours and titles.

[1] Wife of Exciprie Bradshaw. [2] Letters in State Paper Office.
[3] Above, pp. 286-7.
[4] Lord Hertford died at Letley, in Hampshire. He was buried in Salisbury Cathedral, at the end of one of the aisles, in a magnificent monument erected to his memory, on which is a long Latin inscription.—See Appendix A A.

CHAPTER IV.

Digression.—Edward Earl of Hertford, Grandfather of William Seymour, privately marries Lady Catherine Grey.—He goes abroad.—She avows her marriage and pregnancy.—She is committed to the Tower, and gives birth to a son.—Lord Hertford returns to England, and is committed to the Tower.—Their marriage is declared null and void by a Special Commission.—She dies in custody.—Lord Hertford is forgiven by the Queen.—Legal proceedings in the reign of King James to determine the legitimacy of Lord Beauchamp.—The suit is ultimately decided against him.—His legitimacy is recognised by Letters Patent of Peerage.—Edward Lord Hertford dies.—William Seymour is summoned to the House of Lords under the new creation, and takes his seat accordingly.

THE succession to Lord Hertford's titles re-opened in some degree the question of the legality of his first marriage, and the consequent legitimacy of his son, Lord Beauchamp, the father of William Seymour. It may not therefore be deemed irrelevant to the subject to recount briefly the sad history of the clandestine marriage of Edward Earl of Hertford and the Lady Catherine Grey,[1] and the difficulties that obstructed the various efforts made to establish its validity.

At the close of Queen Mary's reign,[2] Lady Catherine Grey, who had been placed under the care of Lord Hertford's mother the Duchess of Somerset,[3] resided

[1] Lady Catherine Grey, second daughter of Henry Marquis of Dorset and Duke of Suffolk, and of Frances his wife, was sister to Lady Jane Grey, to whom she addressed a letter the night before her execution, in a blank leaf of a Greek New Testament.

[2] Queen Mary died 17th November, 1558.

[3] Anne Stanhope, widow of Edward, first Duke of Somerset. On the death of her husband the Protector (executed January 22, 1551-2), her son Edward, then about thirteen years old, succeeded to his father's titles and estates; but during the session of Parliament the enemies of the late Protector

with her at Hanworth. Whilst on a visit there Lord Hertford first became attached to Lady Catherine; nor did he conceal from her the feelings with which she had inspired him, but it was to his sister, Lady Jane Seymour, and to her only, that he then confided all his hopes and views.[1] His mother, perceiving, as he afterwards expressed it, "familiarity and good-will between them, "did often admonish him to abstain from her com- "pany." To these warnings he replied, that "Young "folks meaning well might well accompany together, "and that both in that house and also in the Court he "trusted he might use her company, being not for- "bidden by the Queen's Highness's express command- "ment." But, beyond this somewhat significant justification of himself, he never avowed to his mother, or to any other of his own relations (his sister excepted), or to Lady Catherine's family, either the secret understanding that subsisted between them, or their subsequent marriage.[2] This secrecy was but the natural conse-

procured the forfeiture of his dignities and titles of honour, with lands of 5000*l.* yearly value. Thus deprived of rank, and partly despoiled of fortune, he remained till the first year of Queen Elizabeth's reign, when she created him Earl of Hertford and Baron Beauchamp. Vide Appendix B B. Doubtless this act of grace on her part towards him made her doubly resent his subsequent conduct in secretly uniting himself with her cousin, Lady Catherine Grey.

[1] The narrative here given of the adventures of Lord Hertford and Lady Catherine Grey is drawn from their own account when examined before Archbishop Parker and others. See Appendix C C for 'Personal Answers of Lord Hertford and Lady Catherine Grey.'

[2] Lord Hertford always denied that any one but Lady Jane was admitted into his confidence on this subject. It appeared, in the course of the examination of different witnesses by the Commissioners, that Frances Duchess of Suffolk, Lady Catherine's mother, perceived and approved of his attachment; that she always treated him with great kindness; often

quence of the fear inspired by the harshness with which both Mary and Elizabeth had treated this branch of the royal family, and the consequent unwillingness to compromise others in a matter in which their own happiness was principally involved.

It was after the accession of Queen Elizabeth that Lady Catherine Grey and Lady Jane Seymour found themselves both in waiting upon her Majesty at Hampton Court. Lord Hertford, being at that time confined by indisposition to his house in Channon Row, Westminster, wrote to his sister to ask her assistance in forwarding his suit with her friend, and "to feel her "disposition for marriage with him." Lady Jane executed her brother's commission, but Lady Catherine, though well disposed to receive his suit, declined to give any positive answer till the Queen should come to Westminster. No sooner had the Court removed to town than Lord Hertford sought an interview with Lady Catherine in his sister's private room; there, in

called him her son; and to her own husband, Adrian Stoakes, she had spoken of her wish that her daughter might become Lord Hertford's wife, could the Queen's consent be obtained. Stoakes, when called as a witness, acknowledged that he had suggested to Lord Hertford the fitness of such a marriage, and had even, at his wife's request, made the draft of a letter to be addressed to the Queen. Lord Hertford, he said, had seemed to like his advice at first, but soon afterwards told him he would meddle no more in the matter; a clear proof that he did not intend to confide his secret either to Lady Catherine's mother or to her step-father. The Duchess died at the Charterhouse towards the end of the year 1559; and the Earl, he said, never talked with him again on the matter. Lord Henry Seymour, brother to the Earl of Hertford, was also examined by the Commissioners. He confessed to having carried tokens from his brother to Lady Catherine about six months before Lord Hertford's departure from England; he believed they were rings; but he was not cognisant of any engagement or contract of marriage between them.

the presence of Lady Jane, he first made his direct proposal of marriage: in reply, she said, "that, "weighing his long suit and good-will borne to her, "she was content to marry him the next time that the "Queen's Highness should go abroad and leave her "and Lady Jane behind her." They plighted their faith "by giving one to the other their hands," Lady Jane being present throughout the interview. It was agreed that the marriage should take place at Lord Hertford's house in Channon Row; but as the opportunity depended on the movements of the Queen, no day could be fixed beforehand. Lady Jane, however, undertook to secure that a clergyman should be in readiness whenever his services were required.

The wished-for opportunity occurred on a day between Allhallowtide and Christmas-day of the year 1560, when the Queen left Westminster for Eltham on a hunting party. Within an hour of her departure Lady Jane Seymour, accompanied by Lady Catherine Grey, quitted the palace, and, descending by the orchard stairs, proceeded along the sands, at low tide, to the Earl's house in Channon Row. They could give him no previous warning of their arrival; he knew, however, they only awaited the opportunity, and might have thought the Queen's departure would afford them the means of fulfilling their engagement, for he was ready to welcome their arrival. Lady Jane left them for a few minutes, and then returned with the clergyman whom she had promised to provide. The minister brought with him the Book of Common Prayer, and Lord Hertford and Lady Cathe-

rine were married "with such words and ceremonies "and in that order as it is there set forth," he placing a ring, containing five links of gold,[1] on her finger, as directed by the minister.

The clergyman's name was unfortunately never asked or known by either Lord Hertford or Lady Catherine, though both affirmed they should know him again if they saw him. He was described as a man of middling stature, fair complexion, auburn hair and beard, and middle age, dressed in a plain long gown of black cloth faced with budge,[2] and a falling collar to the same, such a one as the ministers used when they came out of Germany. The ceremony lasted about half an hour. Lord Hertford thanked him for his attendance; Lady Jane paid him a fee of 10*l.* for his services,[3] conducted him from the house, and again shortly returned to her brother. At the end of about two hours Lord Hertford accompanied Lady Catherine and his sister to the water-stairs, where he took an affectionate leave of his bride, and the two ladies returned together by boat to the palace "to Master Comptroller's cham- "bers, whom they found ready to go to dinner" by the time they arrived.

[1] The four inner links of the ring contained the four following lines, or posie, by Lord Hertford:—

"As circles five by art compact shewe but one ring in sight,
So trust uniteth faithfull mindes with knott of secret might:
Whose force to breake but greedie Death noe wight possesseth power,
As time and sequels well shall prove. My ringe can say no more."

[2] Lambskin fur.

[3] Mr. Hallam says, "He seems to have been one of those vagabond "ecclesiastics who till the Marriage Act of 1752 were always ready to do "that service for a fee."—Const. History, vol. i. p. 396.

Many clandestine interviews now took place between the newly married pair, but they imparted to none the secret of their marriage.[1]

Whether Lord Hertford thought by absenting himself awhile on the Continent that suspicions would be lulled, or that he had any other reason for wishing to leave the country, does not appear, but he soon determined to obtain leave to go abroad. Lady Jane was aware of her brother's design, and imparted it to her sister-in-law. Lord Hertford, however, denied to his wife having any intention of quitting her: "The Earl," said she, "would in no wise be acknown unto her of it, "but would deny it, saying that she might be sure he "should get no leave, though he were so minded;" but the sight of his passport, which accidentally met her eye, left no doubt of his intention; and it was, as she expressed herself, "of no small grief and trouble "unto her."

Fresh causes of anxiety now arose, and she imparted to Lady Jane and to her husband her suspicions that she was likely to become a mother. Lady Jane, with the same decision of character which seems to have marked her conduct throughout this perilous transaction, told her at once, "that, if it were so, there was no

[1] The attachment that subsisted between Lord Hertford and Lady Catherine had certainly attracted notice at Court. Before their marriage Mr. Secretary Cecil told Lord Hertford "that it was said there was good-"will between him and the said Lady Catherine;" and after his departure Lady Catherine received the friendly advice not only of Mr. Secretary but of the Marchioness of Northampton, Lady Clinton, and others, "to take "good heed how she proceeded in familiarity with the Earl, without "making the Queen's Majesty privy thereunto."—Vide Lady Catherine's Examination, Appendix C C.

" remedy but to be acknown how the matter stood," and " that they must abide it, and trust to the Queen's " mercy." To the necessity of this line of conduct Lord Hertford also agreed, and promised his wife that, if her suspicions were confirmed, " he would not " depart the realm;" but the unhappy Lady Catherine, young, inexperienced, and timid, seems to have been afraid of speaking confidently on the subject, and Lord Hertford fulfilled his intention of leaving the country.

On the 19th of March, 1560-1, Lady Jane Seymour aged only nineteen, died;[1] thus, unsupported by the presence of her husband or comforted by the affection and counsels of her friend and sister, Lady Catherine found herself in a few months' time reduced to submit to the humiliation of confessing that which could no longer be concealed, and of bearing alone the brunt of the Queen's violent and implacable displeasure.

About six days before Lord Hertford's departure " beyond the seas," he says, " he did conceive and " devise a writing with his own hand in parchment, " sealed and signed with his own hand," of which the object was to secure to his wife 1000*l.* per annum in case of his death. This writing he delivered into her hands, but no other person was privy to the transaction.

[1] She was interred in St. Edmund's Chapel, Westminster Abbey, where her mother the Duchess of Suffolk was buried the year before. Lady Jane Seymour appears to have been one of those who received such an education as procured her the distinction of being mentioned by Roger Ascham. In a letter to his friend John Sturmius, 1550, he speaks of the learning of English young ladies at that time. " Had I more leisure," says he, " I would " speak to you at greater length of the King, of the Lady Elizabeth, and " of the daughters of the Duke of Somerset, whose minds have also been " formed by the best literary instructions."

This deed, and occasional gifts of money before his departure, showed some consideration for her personal wants; but Lord Hertford's conduct in originally seeking her hand in secret, in risking the safety of his young sister by imposing on her the dangerous responsibility of conveying messages to Lady Catherine, of making the arrangements for their marriage, of procuring and even remunerating the priest who married them, and still more in his quitting England and leaving his wife exposed to the risk of braving alone the consequences of that union which he had induced her to form, certainly betrayed in youth, and even when under the influence of a romantic passion, that coldness and self-regard which later in life was manifested by his harsh conduct towards both his son and his grandson, and by his subserviency to the Court.

In the beginning of August Lady Catherine, "suspecting by the secret talk that she saw both amongst "men and women that her being with child was known "and espied out, and that the time came so fast on that "it could no longer be kept secret," determined to declare the whole truth to Mrs. Saint Lo,[1] of the Privy Chamber. Her confidence was received with friendly sympathy by that lady, who wept bitterly on hearing her tale, and expressed her sorrow "that the Queen's "Majesty had not been privy thereunto." The following night (August 10th) Lady Catherine endured the

[1] Mrs. Elizabeth Saint Lo, or more properly called Lady St. Loe, was the daughter of John Hardwick, of Hardwick in Derbyshire. She first married Mr. Barlow of that county, then Sir William Cavendish (who began the building of Chatsworth House), and afterwards Sir William St. Lo, of Tormorton, in Gloucestershire, Captain of the Guard to Queen Elizabeth.

still further humiliation of throwing herself upon the compassion of Lord Robert Dudley. She visited his bedside, revealed her history to him, and implored his services to obtain the Queen's mercy. But neither the sympathy of Mrs. Saint Lo, nor the good offices of Lord Robert, if they were exercised in her favour, availed. She was at once committed to the Tower,[1] and examined by the Lord Treasurer and others respecting the circumstances of her marriage. On the 21st of September her first child was born.[2]

Whether Lord Hertford was aware of Lady Catherine's imprisonment does not appear; but as she acknowledged in the course of one of her examinations that she had acquainted her husband by letter of the certainty of her situation, it is to be hoped that his return to England in the month of her expected confinement was determined by the wish to be with her at a time when not only her life might be in danger from the ordinary peril of childbirth, but when her honour might be called in question and her liberty forfeited. He landed at Dover in the beginning of September, and whilst at breakfast with the mayor of Dover he was visited by the captain of the Castle (Mr. Crispe), who

[1] Warrant: see Appendix D D. A curious list of the furniture with which Lady Catherine's room was supplied, on being sent to the Tower, is preserved in the Lansdown MS., No. 5, Art. 41, and is printed in the 2nd volume of Ellis's 'Original Letters,' p. 274.—Vide Appendix D D.

[2] "The 21st of September was brought to bed of a son my Lady Ka-"tharine Grey, the daughter of the Duke of Suffolk that was beheaded on "the Tower Hilk"—Machyn's Diary, p. 267.

"On the 25th day of September was christened within the Tower my "Lord Hertford's son by my Lady Katharine Gray."—Ibid., p. 268.

showed him the Queen's commission, by which he was charged to bring the Earl alone and immediately to Court; his servants even were not to be allowed to accompany him, but were to follow a day later.

On the 5th of September[1] he was committed to the Tower. On the 12th of September he was examined before the Lord Treasurer; on the 13th of February, 1561-2, both he and Lady Catherine were again examined before the Commissioners appointed for that purpose; and on the 12th of May, in the Bishop of London's palace, the marriage was declared null and void by the Commission of Inquiry, composed of Parker, Archbishop of Canterbury, Grindal, Bishop of London, Sir William Petre, and others, before whom the examination had been taken.[2] A decision that could only be grounded on the difficulty of procuring timely evidence of the truth of their statements was not likely to alter the convictions of the parties themselves respecting the validity of their marriage; and in time, by persuasion or corruption of their keepers, the doors of their prison were no longer bolted against each other.[3]

The birth of a second child rekindled the anger of

[1] "On the 5th day of September, 1561, was brought to the Tower the "young Earl of Hertford from the Court. About two of the clock at after-"noon he came into the Tower."—Machyn's Diary, p. 266.

[2] This decision appears to have been the subject of animadversion at the time, and even Strype, in his laudatory Biography of the Archbishop, admits that "no question he underwent censures for his proceedings."—Life of Matt. Archbishop of Canterbury, vol. i. p. 235.

[3] Sir Edward Warner, the Governor of the Tower, was dismissed for this negligence in the care of his prisoners.

Elizabeth.[1] A double fine was imposed on Lord Hertford, and their imprisonment made so much stricter that there is no reason to suppose they ever met again.

Many letters and petitions were addressed to Sir William Cecil in behalf of Lady Catherine by her uncle, Lord John Grey, of Pirgo, and by herself, to Sir William Cecil and to the Queen.[2] The only mercy extended to her and her husband was during the time when the plague raged in London, and when a thousand in a week were said to die of that malady. Then, in the month of August, 1563, Lord Hertford was delivered as a prisoner to his mother, and Lady Catherine to her uncle, Lord John Grey, at Pirgo,[3] where, it seems, she was maintained at the expense of her husband.[4]

In January, 1565-6, and again in April, 1566, Anne Duchess of Somerset addressed letters to Sir William Cecil, praying for the release of her son, begging his helping hand "to end this tedious suit," and urging "how unmeet it is this young couple should thus wax "old in prison, and how far better it were for them to "be abroad and learn to serve."[5]

These appeals were fruitless; the following year

[1] "The 10th of February, 1562-3, was brought a bed within the Tower "with a son my Lady Katharine Hartford, wife to the Earl of Hartford; "and the godfathers were two warders of the Tower, and his name was "called Thomas."—Machyn's Diary, p. 300.

[2] Appendix E E.

[3] Vide Ellis's 'Original Letters,' 2nd series, vol. ii. p. 275. See Appendix F F, warrant for her removal.

[4] Vide Ellis's 'Original Letters,' vol. ii. p. 276.

[5] Ibid., 2nd series, vol. ii. p. 286-7.

death released the ill-fated Lady Catherine from the sorrows and humiliations to which she had been so heartlessly subjected. She was then in the custody of Sir Owen Hopton, and died at his country house, Cockfield Hall, in Yoxford, Suffolk.[1] The account of her last moments has been preserved in all its details with such touching fidelity that to attempt to curtail it would be doing injustice to the narrative. The MS. is dated anno 10 Elizabeth, and is entitled—

"*A brief Discourse of the Spirit and Manner of the departing out of this Life of the Lady Catherine, Wife to the Earl of Hertford.*[2]

"All the night she continued in prayer, saying of Psalms and hearing them read of others, sometimes saying them after others, and as soon as one Psalm was done she would call for another to be said; divers times she would rehearse the prayers appointed for the Visitation of the Sick, and five or six times the same night she said the prayers appointed to be said at the hours of death; and when she was comforted by those that were about her saying, 'Madam, be of good comfort; with God's help you shall live and do well many years,' she would answer, 'No, no, no life in this world, but in the world to come I hope to live ever; for here is nothing but care and misery, and there is life everlasting:' and then, seeing herself faint, she said, 'Lord, be merciful unto me, for now I begin to faint;' and all the time of her fainting, when any about her would chafe or rub her to comfort her, she would lift up her hands and eyes to heaven and say, 'Father of heaven, for thy son Christ's sake, have mercy upon me.' Then said the Lady Hopton unto her, 'Madam, be of good comfort, for with God

[1] In the parish register at Yoxford the entry is still to be seen of her burial, on the 21st of February, 1567-8.

[2] It is preserved in the British Museum.

his favour you shall live and escape this; for Mrs. Cousen saith you have escaped many dangers when you were as like to die as you be now.' 'No, no, my lady, my time is come, and it is not God's will that I should live any longer, and his will be done, and not mine:' then, looking upon those that were about her, 'As I am, so shall you be; behold the picture of yourselves.' And about six or seven of the clock in the morning she desired those that were about her to cause Sir Owen Hopton to come unto her; and when he came he said unto her, 'Good madam, how do you?' and she said, 'Even now going to God, Sir Owen, even as fast as I can; and I pray you and the rest that be about me to bear witness with me that I die a true Christian, and that I believe to be saved by the death of Christ, and that I am one that he hath shed his most precious blood for; and I ask God and all the world forgiveness, and I forgive all the world.' Then she said unto Sir Owen Hopton, 'I beseech you promise me one thing, that you yourself, with your own mouth, will make this request unto the Queen's Majesty, which shall be the last suit and request that ever I shall make unto her Highness, even from the mouth of a dead woman,—that she would forgive her displeasure towards me, as my hope is she hath done; I must needs confess I have greatly offended her, in that I made my choice without her knowledge, otherwise I take God to witness I had never the heart to think any evil against her Majesty; and that she would be good unto my children, and not to impute my fault unto them, whom I give wholly unto her Majesty; for in my life they have had few friends, and fewer shall they have when I am dead, except her Majesty be gracious unto them: and I desire her Highness to be good unto my Lord, for I know this my death will be heavy news unto him,—that her Grace will be so good as to send liberty to glad his sorrowful heart withal.' Then she said unto Sir Owen, 'I shall further desire you to deliver from me certain commendations and tokens unto my Lord;' and, calling unto her woman, she said, 'Give me the

box wherein my wedding-ring is;' and when she had it she opened it, and took out a ring with a pointed diamond in it, and said, 'Here, Sir Owen, deliver this unto my Lord; this is the ring that I received of him when I gave myself unto him, and gave him my faith.' 'What say you, madam?' said Sir Owen, 'was this your wedding-ring?' 'No, Sir Owen,' she said, 'this was the ring of my assurance unto my Lord, and there is my wedding-ring,' taking another ring all of gold out of the box, saying, 'Deliver this also unto my Lord, and pray him even as I have been to him, as I take God to witness I have been, a true and a faithful wife, that he would be a loving and a natural father unto my children, unto whom I give the same blessing that God gave unto Abraham, Isaac, and Jacob.' And then took she out another ring, with a Death's head, and said, 'This shall be the last token unto my Lord that ever I shall send him; it is the picture of myself.' The words about the Death's head were these—'While I lyve, yours.' And so looking down upon her hands, and perceiving the nails to look purple, said, 'Lo! here he is come;' and then, as it were with a joyful countenance, she said, 'Welcome, Death!' and embracing herself with her arms, and lifting up her eyes and hands unto heaven, knocking her hands upon her breast, she brake forth and said, 'O Lord! for thy manifold mercies, blot out of thy book all mine offences!' Whereby Sir Owen perceiving her to draw towards her end, said to Mr. Bockeham, 'Were it not best to send to the church that the bell may be rung?' and she herself hearing him, 'Good Sir Owen, let it be so.' Then immediately, perceiving her end to be near, she entered into prayer, and said, 'O Lord! into thy hands I commend my soul; Lord Jesus, receive my spirit:' and so, putting down her eyes with her own hands, she yielded unto God her meek spirit, at nine of the clock in the morning, the 27th of January, 1567."[1]

[1] Harleian MSS., No. 39, fol. 380.

The Queen must have been unmoved by Lady Catherine's dying petition for her husband's release, if, as it is said by Dugdale, he remained a prisoner for nine years in the Tower.[1] But at whatever period he was released, it would seem that he had continued under the Queen's displeasure for about ten years after Lady Catherine's death. At that time Sir Nicholas Bacon, who had also offended her by his conduct or opinions on the subject of the claims of the house of Suffolk over those of the Queen of Scots, was re-admitted to her favour.[2] It is possible that the same arguments which influenced her feelings towards Sir Nicholas tended also to the forgiving of Lord Hertford, and from that time there are various proofs that he was re-established in the good graces of her Majesty. New-year's gifts were offered and returned,[3] and in September, 1591,

[1] In that case he would not have regained his liberty till 1570, three years after the death of his wife.

[2] The Queen was at Theobald's on the 14th of May, 1577, and, on the 18th, Sir Nicholas Bacon (having incurred the Queen's displeasure, like the Earl of Hertford, and from a somewhat similar occasion—the suspicion of favouring a book written in defence of the claims of the House of Suffolk to the Crown, in preference to that of the Queen of Scots) took an opportunity of confirming himself in the Royal favour, to which he was with some difficulty restored by Cecil.—Nichols' 'Progresses of Queen Elizabeth,' vol. ii. p. 55.

[3] New Year's Gifts to the Queen, 1577-8. By the Earl of Hertford, a jewel, being a ship of mother-of-pearl, garnished with small rubies and three small diamonds.—Nichols' 'Progresses of Queen Elizabeth,' vol. ii. p. 66.

New Year's Gifts presented by the Queen, 1577-8. To the Earl of Hertford, one bowl of silver and gilt, with a cover, Keele, 19 oz. 3 grs. di. —Ibid., p. 82.

New Year's Gifts presented to the Queen, 1578-9. By the Earl of Hertford, a small pair of writing tables, enamelled, with a grasshopper, all of gold, enamelled green on the back side, and a pin of gold having a small pearl at the end thereof.—Ibid., p. 250.

she honoured the Earl and Countess of Hertford with her presence at Elvetham in Hampshire.[1]

A magnificent entertainment was prepared for this royal visit, which lasted four days, and with which her Majesty was so highly pleased "that she openly said to "the Earl of Hertford that the beginning, process, and "end of this his entertainment was so honourable, she "would not forget the same."[2] In August, 1600, the Queen announced her intention of visiting the Earl of Hertford at Tottenham,[3] but there is no account of that visit, or of another which was intended in July, 1602, having taken place.[4] Upon two different occasions his

[1] Frances, daughter to Lord Howard of Effingham, was second wife to the Earl of Hertford. She died May, 1598, and was buried in Westminster Abbey. Two years after her death, it seems by the letter of a contemporary, he wished to marry Lady Anne Herbert:—

Rowland Whyte, Esq., to Sir Robert Sydney.

"The Earle of Hertford comes often to Wilton, and hath made knowen "to Lord and Lady Pembroke the love he bears to the Lady Anne; if "she can affect him, the match will goe forward.

"*Baynard's Castell, the 31st of May*, 1600."

—Sydney Papers, vol. i. p. 197. It is to be supposed Lady Anne was not favourable to his suit, and he afterwards married Frances, daughter to Thomas Viscount Howard, of Bindon, and widow of Henry Pranell.

[2] A curious and amusing account of the festivities at Elvetham (near Hartford Bridge) appears to have been published immediately after the Queen's visit there, and is preserved in Nichols' 'Progresses,' vol. iii. p. 101.

[3] *Rowland Whyte, Esq., to Sir Robert Sydney.*

"Right Honourable,—Her Majestie removed vpon Tuesday to Tooting, "and vpon Wednesday came to Nonsuch, where she stayes till Tuesday "and then resolues to goe on her long progress to Tottenham, the Earle "of Harford's.

"*Nonsuch, this 12th of August*, 1600."—Sydney Papers, vol. ii. p. 210.

[4] *Sir William Broune to Sir Robert Sydney.*

"And althogh that her Majesty hath sent my Lord of Hertford word "that yet she meanes to see him, notwithstanding itt is held that the "determined progress is at the furthest.

"*The 7th of July*, 1602."—Sydney Papers, vol. i. p. 257.

name is mentioned in the letters of contemporaries as being destined for foreign missions,—one of congratulation to France on the marriage of Henri IV. with Marie de Medicis,[1] the other to Spain in 1604;[2] but it does not appear that on either occasion he was so employed.

In 1603 James ascended the throne. His unopposed succession might naturally have raised Lord Hertford's expectations that no jealousy would interfere to prevent his obtaining justice for his children, by re-establishing their legitimacy. An indirect means soon presented itself by which he must have reasonably hoped that the validity of his marriage, so unjustly denied through the influence of the offended Queen, would now be recognised by her successor.

A suit was instituted to determine between his son, Lord Beauchamp, and Lord Monteagle, who was the right heir to Lady Mary Grey,[3] the sister of Lady Catherine.

[1] *Rowland Whyte, Esq., to Sir Robert Sydney.*

"And when the King comes nearer Paris, the Earle of Hertford is "named to congratulate the marriage.

"*Court, this Monday,* xiij *of October,* 1600."—Sydney Papers, vol. i. p. 218.

[2] *From Sir Henry Nevill to Mr. Winwood.*

"We speak of my Lord of Hertford's going into Spain to take the "King's oath, and that Sir William Cecil shall accompany him to remain "there.

"*August* 19*th,* 1604."—Winwood's 'State Papers,' vol. ii. p. 26.

[3] Lady Mary Grey was the youngest of the three daughters of Frances Duchess of Suffolk. She incurred the displeasure of the Queen for her marriage with Martin Keyes. "Here is an unhappy chance, and mon-"strous," Cecil writes to Sir Thomas Smith, from Windsor, on the 21st of August, 1565. "The Serjeant Porter, being the biggest gentleman in

The disputed inheritance consisted of certain estates possessed by Lady Mary Grey, and which, after her death in the reign of Queen Elizabeth, had remained in the hands of the Crown "for lack of livery."

On the 7th of February, 1604-5, Lord Monteagle moved the Court of Wards to have a warrant for the delivery of those lands to him.[1] This warrant was

"this Court, hath married secretly the Lady Mary Grey, the least of all "the Court. They are committed to several prisons. The offence is very "great."—Ellis, 'Original Letters,' Second Series, vol. ii. p. 299. She and her husband were kept some time in close confinement. She survived her husband, and was alive in 1578, when she made her will. Fuller says she died April 28, 1578.—Worthies in Leicestershire.

[1] Mr. Luders speaks of the Cotton MS. Vitellius, E. 8, p. 458, "as "a fragment that seems to relate to the Earl's appeal, dated in 1604." He adds—"The article is so damaged by fire, and so short, as to yield "no information; and I know not where to obtain any upon the subject." —Luders' 'Tracts,' p. 191. Mr. Hallam speaks of a "Commission of "delegates being appointed to investigate the allegations of the Earl's "petition, and that questions seem to have been raised as to the lapse of "time and other technical difficulties which served as a pretext for coming "to no determination on its merits;" that Lord Beauchamp, not long after, endeavoured "indirectly to bring forward the main questions by "means of a suit for some lands against Lord Monteagle; . . . that it was "said to have been heard in the Court of Wards, when a jury was em- "panelled to try the fact, but that the law officers of the Crown inter- "posed to prevent a verdict." He also speaks of deriving part of this information from the Cotton MS. Vitellius, c. xvi. p. 412, but says that the volume is much burned and the papers confused with others.—Const. Hist., vol. i. p. 397. The following short account of the suit in the Court of Wards, which has been taken from the more detailed record of the proceedings still preserved in the Record Office (Rolls Court), supplies the information which Mr. Luders says he "knew not where to obtain" (see Appendix G G). With the assistance of this document the fragments preserved in the Cotton MSS. become intelligible; and it is clear that the "Commission of delegates to examine the Earl's petition," the suit with Lord Monteagle, the trial at common law spoken of by Dugdale, the jury empanelled in the Court of Wards, and the interference of the Crown lawyers, are all part of the same suit for the disputed estates of the deceased Lady Mary Grey.

granted unless cause should be shown to the contrary by the 11th of the same month. Lord Hertford and Lord Beauchamp moved that the warrant should be stayed till two petitions[1] should be decided,—the one on behalf of Lord Beauchamp, the other on behalf of Lord Monteagle,—to determine which of the two was the right heir.

Sir Francis Bacon (Lord Monteagle's counsel) made divers objections against Lord Beauchamp's claim; the Master of the Court of Wards declared that, as it was not known to the Court who was the right heir, the King, though entitled to the revenues of the lands, which must remain in his hands till the right heir is found, "did of his princely grace and favour permit the "parties concerned to try their rights." On the 28th of February a letter was addressed by the Lord Chancellor Ellesmere and Lord Dorset to the Privy Council, ordering them to select such a commission as in their learning and wisdom they might think fit;[2] and the matter being of great weight and consequence, their Lordships were to use extraordinary care and expedition in the choice of such commissioners and delegates as were to examine the strength and effect of the impedi-

[1] "As early as the 18th of November, 1604, a question seems to have been referred by Lord Chancellor Ellesmere, Lord Dorset, Lord Northampton, Lord Cranborne, and Lord Popham, to Justice W——, Dr. Cæsar, Dr. Dune, Dr. Swale, and Dr. Bennet, as to whether a Commission could be granted to examine over the impediments.—Vide Appendix H H.

[2] The Commission was dated Whitehall, February 28, 1604, and signed by the Lord Chancellor, Lord Treasurer, Lord Northampton, Lord Cranborne, Lord Barwicke; and directed to Sir Julius Cæsar, Sir Daniel Dune, Sir Richard Swale, Sir John Bennet, or to any three of them.—See Appendix H H.

ments offered by each party against the claims of the other.[1]

On the 13th of June (Trinity term), 1605, the case of the two petitions was argued by counsel before Lord Salisbury (Master of the Court of Wards), the Lord Chief Justice, and Lord Anderson and the Lord Chief Baron, Judges assistants to the Court. The petitioners were ordered to exhibit to the Court during that term their bills of complaint against each other, to make their answers, and to proceed to the examination of witnesses on both sides to prove who is heir to Lady Mary Grey; and upon the next assembly of the Judges in Michaelmas term the cause was to be

[1] Lord Hertford's plea, so far as concerned the validity of his marriage and consequent legitimacy of his son, is recited in the Commission:—"It "has been remonstrated to us on the part of Edward Seymour, Earl of "Hertford, that many years since a true and legitimate marriage was "contracted between him and Lady Catherine Grey, now dead, and that "it was publicly and legitimately solemnized; notwithstanding which, by "reason of certain letters addressed by Queen Elizabeth, then and lately "Queen of England, to certain Commissioners, the said Commissioners "passed a definitive sentence against him forty-two years ago and more, "very mischievous and prejudicial, in which, among other things, they "declared and pronounced against the marriage, and at the same time "declared that the parties had lived incontinently, and were to be "punished. From which sentence, although the said Earl appealed in "proper time and place, and used all diligence therein, yet he was hin-"dered in many ways, and he now petitions us to admit him to prosecute "his appeal; we, therefore, consenting to his petition, wishing that the "truth should be investigated, commit to you and enjoin you, having "called before you the said Earl of Hertford and Sir William Parker, "Lord Monteagle, who is concerned in this affair, to hear and inquire into "the facts of the case, and what impediments there were to the prosecu-"tion of the appeal, and which inevitably prevented the said Earl from pro-"secuting the appeal; and, lastly, that you will specify whether such im-"pediments have been proved, and signify it in writing."—See Appendix H H.

heard again. But the King's Attorney-General, being present in Court, set forth the King's title to the lands in question, "which also this Court did then "discern to rest upon questions of law," and ordered that he "either might make a case and pursue the "same as should seem best for his Majesty, or otherwise "acquaint his Majesty therewith, and so to follow his "Highness's direction and commandment therein."

On the 19th of October the Court sat, and the case was again heard by counsel, but a dispute arose respecting some contradictory evidence.[1] Lord Beauchamp's counsel alleged the necessity of delay in order to obtain further evidence. Lord Monteagle consented to the postponement, and the case was deferred till the following month, when the depositions of all the witnesses were to be produced again in Court.

On the 28th of November the Court sat, and "upon "hearing and debating the matters in variance between "the Lord Beauchamp and Lord Monteagle," it was found requisite "to have several offices found" after the deaths of Lady Catherine and Lady Mary Grey. The two Lords agreed to have these offices found either in the county of Warwick or in the county of Nottingham,[2] "and two several commissions in the

[1] The dispute arose between Mr. Kirton (Lord Beauchamp's solicitor) and Mr. Ward, Mr. Kirton denying what was in Mr. Ward's affidavit. Lord Beauchamp's counsel alleged the necessity of obtaining the evidence of the Marchioness of Northampton and Sir Arthur (Owen?) Hopton—both material witnesses for Lord Beauchamp, and too old to travel from the country. Lord Monteagle assented to their examinations being taken at Salisbury on the 4th of November.

[2] No reason is assigned for the selection of these distant counties.

" nature of writs of mandamus were awarded to indif-
" ferent [impartial] commissioners[1] on both sides to
" inquire after the deaths of both the said ladies." The sheriffs of Warwickshire and of Nottinghamshire were desired to produce their books of freeholders, in order that the Court of Wards might confer with the Judges of Assize of those counties in selecting " an indifferent " and substantial jury." The jurors were to be then selected by the Court of Wards, subject to the challenge of the two Lords; to be returned by the sheriff of the county from which they were chosen, to be sworn before the Commissioners authorised for that purpose, and then to be adjourned to the Court of Wards, where they should hear the evidence set forth by counsel on both sides on the 12th of February.

A jury was impanelled in the county of Warwick, and, according to the order of the 28th of November, appeared on the second Saturday in Hilary term at the bar of the Court of Wards, to hear the evidence debated by counsel on behalf of Lord Beauchamp on one side, and on behalf of Lord Monteagle on the other.[2]

[1] These Commissioners were William Harte, Esq., escheator; Sir Thomas Dilke, Knight, deputy escheator; and Humphrey Colles, Esq., Feodary of the county of Warwick.

[2] Mr. Serjeant Nicholls, Mr. Serjeant Altham, Mr. Recorder of London, and Mr. Hyde, of counsel for Lord Beauchamp. Sir Francis Bacon, Serjeant Foster, Mr. Serjeant Hutton, and Mr. Walter, of counsel for Lord Monteagle. In addition to the Master of the Court, the Lord Chief Justices, and the Lord Chief Baron, Mr. Justice Warburton, Sir Richard Swoyle, and Sir John Bennett, Doctors of the Civil Law, were called to be present in Court upon this occasion. " The same day a great cause be-
" tween the Lords Beauchamp and Monteagle was heard in the Court of
" Wards, the main point whereof was to prove the lawfulness of the Earl

The jury, having heard this evidence, were desired to consider their verdict, and deliver it in Court on the 12th of February (1605-6). But the jury having no evidence "upon debating of the cause, but only touch-"ing the point of the heir, they desired that they might "hear the evidence touching the dying seised, and the "other points of the said several Commissions," before they delivered their verdict. Their request was acceded to, and, when the Court met on the 12th of February, the whole proceedings in the cause were read in their presence; and the jurors would have been ready to give their verdict, but for a fresh impediment that now arose.

The King's Attorney-General announced that he had framed a case on his Majesty's behalf, and "desired to "be heard for his Highness before the jury delivered "up their verdict, because otherwise it might be dan-"gerous to the jury to find a dying seised of the said "Ladies Catherine and Mary, if that the law should "fall out for his Highness."[1] The jury were in consequence of this warning adjourned, to appear before the Commissioners at Warwick in Whitsun week. It was

"of Hertford's marriage. The Court sat until five of the clock in the "afternoon, and the jury had a week's respite for the delivery of their "verdict."—Letter of Sir E. Hoby to Sir T. Edmonds, Feb. 10, 1606. Sloane MSS., 4176.

[1] "For my Lord of Hertford's cause, when the verdict was ready to be "given up, Mr. Attorney interposed himself for the King, and said that "the land that they both strove for was the King's, and until his title "were decided the jury ought not to proceed, not doubting but the King "will be gracious to both Lords. But thereby both land and legitimation "remain undecided."—Letter of Sir E. Hoby to Sir E. Edmonds, March 7. Sloane MSS., 4176.

expected that before that time the Judges would have resolved the question of the King's right, and have delivered their opinion to the Court of Wards; and from that Court the Commissioners and jury were to receive directions how to proceed.

On Monday in Whitsun week Humphrey Colles, Esq.,[1] one of the Commissioners, received notice that when the jury met at Warwick they should be again adjourned until the 19th of December.

On Thursday in Whitsun week the Commissioners and jury met at Warwick, and resorted to the jury-hall, where a most extraordinary scene was enacted. The jury being called[2] they immediately uttered these words: —"We are agreed of a verdict or presentment, and "here do tender and offer the same unto you that "are Commissioners, and require you to receive, draw, "and engross it in form as you in your places and "skills know best to do." They then threw a folded paper to the Commissioners. The paper was returned by Colles, unopened, and no one suffered to see its contents; at the same time Colles informed them of the order from the Court of Wards for their adjournment, adding further, "that neither they (meaning the said "jury) ought to offer, nor they (meaning the said

[1] Feodary of the county of Warwick.

[2] The names of seventeen of the jury who were empanelled to inquire after the death of the two ladies:—Sir Robert Digby, Kt.; Sir Thomas Hole, Kt.; Sir George Rawley, Kt.; Sir Thomas Temple, Kt.; Sir Clement Throgmorton, Kt.; Samuel Marrow; Edward Boughton, Esq.; Bartholomew Hales, Esq.; Edward , George Warner, Thomas Hunt, Robert Wilcox, Richard Canninge, Robert Wolley, Richard Crispe, Ambrose Colemore, John Camden.

" Commissioners) ought to receive, any verdict or pre-
" sentment of them at this time, and then read unto
" them openly the said order." To this they replied,
" That they were bound in conscience so to do, saying
" the same order[1] was mistaken, and that (as they con-
" ceived) it was no discharge of their proceedings."
Colles again affirmed that the Commissioners and jury were bound to abide by the orders of the Court of Wards, and declared that it " was a cause of great
" consequence and greatly concerned the King's title,
" which, being doubtful, was referred to all or most of
" the Judges of the land for their opinions," and that the Judges were not yet agreed; and that neither they as Commissioners, nor the others as jurors, ought to proceed to any verdict without special directions from the Court of Wards. The jurors were unconvinced by Colles' arguments, and they still pressed their verdict upon the Commissioners. Upon which Sir Thomas Dilkes,[2] who was also a Commissioner, said he was bound by law to receive it, and, in spite of Colles's remonstrance, " telling him he could not receive preju-
" dice by refusing it, and in receiving it would do more
" than he could justify," took the paper from the jury. Colles then called to the bailiff to adjourn over the jury; upon which Mr. Kirton, solicitor to Lord Beauchamp, required on behalf of his master that the Commissioners " should do all things in public, and openly
" declare or read the contents of the verdict." Colles again forbade its being done; but Sir Thomas Dilkes perse-

[1] For adjournment.
[2] Sir Thomas Dilkes was Deputy Escheator.

vered, opened and publicly read the paper, which was not more than a line or two. Colles, "by much ado," again got the same paper from Sir Thomas Dilkes into his own hands, and threw it back to the jury, who received it. The Commissioners then adjourned the jury to the 19th of December, according to the order of the Court of Wards. What was the verdict contained in the two or three lines that were thus publicly read there is no authentic account, but there is good reason to believe that it was favourable to Lord Beauchamp's claim.[1] It was Mr. Kirton, Lord Beauchamp's solicitor, who insisted on the contents of the verdict being publicly read, and he fell under the displeasure of the Court of Wards for his conduct. Sir John Dilkes was accused of having committed a high and wilful contempt against the honourable Court of Wards for offering and persuading the Commissioners contrary to its orders to receive a presentment in paper, and contrary to his duty to read and publish it at the instance of Josias Kirton, Lord Beauchamp's solicitor; and as the Court conceived that there was some corrupt and partial dealing in the same

[1] Dugdale's account of a trial at the common law, though manifestly inaccurate, must certainly have referred to the occasion above described, when the jury thus insisted on returning their verdict:—"Hereupon I "shall add, what I have heard related from persons of great credit, which "is, that the validity of this marriage was afterwards brought to a trial at "the common law, when, the minister who married them being present, "and other circumstances agreeing, the jury (whereof John Digby, of "Coleshill, in com. War., Esq., was the foreman) found it a good mar-"riage."—Baronage of England, part ii. p. 369. In quoting this passage from Dugdale, Mr. Hallam adds the following just remark:—"Mr. Luders "doubts the accuracy of Dugdale's story; and I think it not unlikely that "it is a confused account of what happened in the Court of Wards."—Constitutional Hist. of England, vol. i. p. 397.

solicitor, jury, and Commissioners, or some of them, the King's Attorney of the Court of Wards was ordered to attend the Lord Chief Justice of the Common Pleas, Sir Edward Coke, one of the assistants of this Court, "who was desired to take pains in the premises." And it was ordered that they two shall examine the said Commissioners, jurors, or others, upon oath as they shall think fit, so that they (the Commissioners, jurors, &c.) may be "censured according to justice and the "merit of their contempts." Of these proceedings against Sir Thomas Dilkes, Josias Kirton, and others, there has been no further account preserved, nor is there any account remaining of the further proceedings in the Court of Wards respecting the suit itself between Lord Beauchamp and Lord Monteagle. Whether it was ultimately settled there or by the Privy Council cannot now be ascertained,[1] but a letter, without date, from Donne to Sir Henry Goodere thus speaks of the termination of this affair:—

"I will tell you a story which, if I had had leisure to have told it you when it was fresh, which was upon Thursday last, might have had some grace for the rareness, and would have tried your love to me, how far you would adventure to believe an improbable thing for my sake who relates it. That day in the morning there was some end made by the Earl of Salisbury and others, who were arbitrators in some differences between Hertford and Monteagle."

Lord Salisbury determined in favour of the latter.

[1] The fire that took place at Whitehall on the 19th of January, 1619, destroyed all the council registers of the first ten years of James I.'s reign, together with other valuable papers and documents.

"The Earl of Hertford could not forbear saying that he expected better usage, in respect not only of his cause, but of his expense and service in his embassy.[1] To which the Earl of Salisbury answered, that, considering how things stood between his Majesty and the house of Hertford at the King's entrance, the King had done him especial favour in that employment of honour and confidence, by declaring, by so public and great an act and testimony, that he had no ill affections towards him. The Earl of Hertford replied that he was then and ever an honest man to the King. And the Earl of Salisbury denied not that, but yet solemnly repeated his first words; so that

[1] In the year 1604-5, about the month of January, Edward Earl of Hertford accepted the charge of Ambassador Extraordinary to take the Archduke's oath to the peace. Having despatched his business at Brussels, he went from thence to Antwerp, whither Sir Thomas Edmondes attended him, and on the 14th of May, 1605, wrote thence to Secretary Cecil, just then created Earl of Salisbury, that he hoped that the Earl of Hertford "would bring full satisfaction in all things concern-" ing his charge; and that his Lordship had, in all other circumstances, " performed his legation, to his Majesty's great honour, as a worthy and " magnificent minister of his Majesty, for his Lordship had made a rate " of expense of ten thousand pounds, besides the King's allowance. Sir " Dudley Carleton, writing to Mr. Winwood when Lord Hertford was ap-" pointed on this mission, says, 'Our Lords Ambassadors begin now to pre-" pare towards their journeys, my Lord Admiral with great pomp, and my " Lord of Hertford (who with much importunity hath accepted the charge " to the Archduke) saith *he will be as frank as another.*'"—Winwood's 'State Papers,' vol. ii. p. 45. The following account gives some idea of the great scale on which the embassy had been conducted:—

Sir William Broune to Sir Robert Sydney, Lord Sydney, Lord Chamberlain to the Queen.

" My Lord of Hertford came hether on Wensday, and wold fayne be " ouer, if the weather wold permit him; he hath a very great trayne, very " near of four hundred, as his officers account them, and they are all soo " well accommodated, that there is no complaint for want of lodging; his " honour himself lodgeth in the Prince's howse.

" *Flushing, this 18th of May*, 1603."[2]—Sydney Papers, vol. i. p. 271.

[2] 1603 is evidently a misprint for 1605. There is a letter from Lord Hertford himself, dated Flushing, May 17, 1605.

the Earl of Hertford seemed not to make answer; but, pursuing his own words, said that whosoever denied him to have been an honest man to the King, lied. The Earl of Salisbury asked him if he directed that upon him? The other replied, upon any who denied this. The earnestness of both was such, as the Earl of Salisbury accepted it to himself, and made protestation before the Lords present that he would do nothing else till he had honourably put off that lie; and, within an hour after, sent the Earl of Hertford a direct challenge by his servant Mr. Knightley. The Earl of Hertford required only an hour's leisure of consideration (to inform himself, as it was said, of the especial danger of dealing so with a privy councillor), and then returned his acceptance of the challenge. And all circumstances were so clearly handled between them, that St. James's was agreed for the place; and they were both come from their several lodgings, and upon the way to have met, when they were interrupted by the persons who were sent by the King to prevent the mischief which otherwise might have followed."[1]

The manner in which Lord Hertford resented this decision may fairly be supposed to have arisen from the sense of the injury offered to the memory of his wife, and the injustice inflicted on his children, rather than from any unbecoming resentment for the loss of lands: his lavish expenditure on both the occasions of the Queen's visit to Elvetham, and of his foreign mission, shows that his possessions must have been considerable, and that his habits betrayed rather the weakness of display than the vice of avarice.

All hope of obtaining legal justice was now at an end, and in the year 1608 Lord Hertford and his son had recourse to a measure by which they sought to evade

[1] Donne's Letters, p. 214.

the consequences, though they could not overcome the obstacle offered to the recognition of Lord Hertford's marriage: they obtained letters patent that "he (Lord "Beauchamp), and the heirs male of his body, immedi- "ately after the death of Lord Hertford (who was not de- "signated as his father) should be Barons of Parliament, "and have place and voice there," "and also obtained "other letters patent of the same date for the enjoyment "of the title of the Earl of Hertford."[1] This measure has been censured by some writers on the ground that they thus rendered themselves parties to casting a slur on the virtue of the unhappy Lady Catherine.[2]

In times of purer administration of justice Lord Hertford would best have defended the memory of his wife, and protected the interests of his children, by depending on the law for the establishment of what he felt to be her due and their right; if the law did not afford its sanction to those claims, he must then have submitted to its decrees; and had the children of his first marriage been pronounced illegitimate by a fair tribunal, he ought neither to have sought himself or permitted them to seek a favour that would have interfered with the

[1] Collins's 'Peerage,' vol. i. p. 174. Vide Appendix I I. The patent for the enjoyment of the Earldom is couched in the same general terms and with the same limitations as that for the Barony of Beauchamp.

[2] Mr. Craik remarks,—"It must be to this compromise, which was, no "doubt, entered into with the concurrence of the Earl, and which was so "little creditable to either the father or the son, that Camden alludes, "when he says that Hertford had lately and publicly freely retracted or "withdrawn his appeal against the Archbishop's sentence (Elizabeth, "389). Thus at last was the honourable fame of poor Lady Katharine "Grey abandoned and thrown to the winds by the two individuals who "were, of all others, most bound to maintain it both for her sake and for "their own."—Craik's 'Romance of the Peerage,' vol. ii. p. 387.

rights of the children, if any, of his own subsequent marriages. But Lord Hertford had been impeded by the interference or influence of the Court from obtaining legal justice. The plan adopted by Lord Beauchamp, and accepted by the King, was the compromise that sprang out of the peculiar position of the two parties. Lord Hertford's attempt to establish the recognition of the marriage, which he believed to be valid, had been hitherto rendered abortive by the Courts of Elizabeth and of her successor; but if James was not just enough to admit, neither was he bold enough to deny, the legitimacy of Lord Beauchamp; and if the desiring and obtaining these letters patent may be regarded on one hand as an admission of the invalidity of Lord Hertford's marriage, yet, on the other, in granting these letters, and thus fixing the right of succession on the offspring of the disputed marriage, without reservation even in case of other issue, it was practically admitted that Lord Beauchamp was the proper representative of the family honours.

On the 26th of April, 1621, the Earl of Hertford's death was announced to the House of Lords by the Earl of Essex, who at the same time moved "that a "writ of summons[1] be directed to the now Earl of "Hertford, which was accordingly done."[2]

[1] It is worthy of notice that, notwithstanding this new creation by James, in the Catalogue, to be found in Nalson's Collection, vol. i. p. 301, "of the Lords Spiritual and Temporal furnished with a writ of "summons to attend Parliament in April, 1640," Lord Hertford's name is included in the first list of Earls, and not in that headed "Earls made since the 1st of King James."

[2] "Whereupon the clerk signed a warrant, directed to the Clerk of the "Crown or his deputy, for the same writ to be made accordingly."—Lords' Journals, vol. iii. p. 90. See above, p. 357, for the account of Edward Lord Hertford's death.

On that same day the King ordered the writ to be stayed till his further pleasure.[1]

On the 18th of May the House was again moved for a writ of summons to be granted to the Earl of Hertford, and six peers were ordered to attend the King "to know his pleasure herein."

On the 24th the Archbishop of Canterbury (one of the six peers) announced the King's consent to such a writ being sent as should enable "*the Earl to take his "place according to the new creation of that Earldom, "and not otherwise.*"[2]

[1] This was announced on the 30th of April to the House of Lords, by the Lord Chief Justice giving the following letter from the Chancellor to be read to their Lordships:—

"May it please your Lordships,—Whereas I received this morning "your Lordships' order for a writ of summons of Parliament to the now "Earl of Hertford; so it is, that upon Thursday night late I received an "absolute commandment, under his Majesty's royal signature, to stay the "writ until I receive his Majesty's further pleasure therein; with a clause, "warranting me to give knowledge of this his Majesty's commandment, if "such a writ were required.

"Your Lordships' humble servant,

"FR. ST. ALBAN, Canc.

"York House, 26th April, 1621."—Lords' Journals, vol. iii. p. 98.

It was immediately after the reading of this letter that followed the Chancellor's own painful confession of corruption.

It would seem, by the following extract from a contemporary letter, that either Lord Hertford or his grandson William Seymour had again fallen under the displeasure of the King, and that he had once more desired to establish the invalidity of Lord Hertford's marriage:—

"I am told even now as a secret that the Earl of South Hampton hath "beene searching concerning the lawfulness of the Earl of Hertford's mar-"riage, which is that wherewith the King is offended; for it is sayd that "the last Parliament the King, or somebody, should propound a motion "to pronounce that issue illegitimate, &c. &c. Some talk of other things, "but I think all uncertain.

"Yours to command,

"JOSEPH MEAD.

"Christ Coll., June 30, 1621."—Ellis, 'Orig. Letters,' Second Series, vol. iii. p. 239.

[2] Lords' Journals, vol. iii. p. 130.

William Seymour must have consented to be thus summoned under the new patent, for Lord Essex (his brother-in-law) is reported as having held his proxy till the end of this Parliament.[1] In 1623 he had leave of absence, and Lord Essex again held his proxy. In February, 1623-4, his name for the first time is set down in the list of peers who were present.[2] But, notwithstanding this last proof of Lord Hertford's acquiescence in the terms in which he was summoned, it is curious to observe with what jealous apprehension James viewed the possibility of being supposed to revoke the sentence passed by Archbishop Parker.

On the 9th of May, 1624, the clerk attended his Majesty with the Bills that had passed the two Houses, to take his pleasure as to the Royal assent.[3] Amongst others was a Bill to enable Lord Hertford to sell lands; upon which the King delivered to the clerk this memorial, to be entered on the Journals:—

"That it is not his Majesty's intent, upon any doubtful or equivocal words or aught else contained in that Act, to weaken the sentence given in the time of the late Queen Elizabeth concerning the pretended marriage of Edward, late Earl of Hertford; and therefore, to avoid all strained inferences to be made in that behalf upon any word contained in the said Act, his Majesty, before his Royal assent given to the said Act, gave commandment that this memorandum be entered both in the Parliament Book and on the back of the Bill itself."

This was the last occasion, perhaps the last opportu-

[1] Lords' Journals, vol. iii. p. 205. [2] Ibid., p. 217.
[3] Ibid., p. 422.

nity, that offered itself during the short period that remained of this reign for the King to insult the feelings of a family whose chief crime was the jealousy they had excited by their marriages and by their descent—a jealousy that originated rather in the despotic pride of Elizabeth and the watchful timidity of James than in the display of any ambitious views on the part of the Seymours to put forward doubtful claims that might disturb the succession to the Crown.

The history of the House of Seymour, from the elevation of Lady Jane to the throne by Henry VIII., till the death of James I., affords indeed an interesting and instructive lesson as to the power of the Sovereign to abuse the prerogative of the Crown. Without entering into the question of the degree of guilt that brought the Protector Somerset[1] and his brother the Lord Admiral[2] to the scaffold, and thus stained the hands of the young King with the blood of his uncles and guardian, it is sufficient to turn to the treatment experienced by the

[1] Dr. Burnet says,—"Edward Duke of Somerset was a person of great "virtues, eminent for piety, humble and affable in his greatness, sincere "and candid in all his transactions. He was a better captain than coun-"sellor; had been often successful in his undertakings; was always "careful of the poor and oppressed; and, in a word, had as many virtues "and as few faults as most great men, especially when they are unexpect-"edly advanced, have ever had. . . It was generally believed that all this "pretended conspiracy upon which he was condemned was only a forgery." —Hist. of the Reformation, vol. ii. p. 187.

[2] The intrigues of Thomas Seymour, Lord High Admiral, and the ungenerous manner in which he availed himself of his position, as husband to Queen Catherine, to seek the affections of the Princess Elizabeth when residing under his roof, has deprived him of all sympathy for his fate. But he was refused the trial which he demanded as his right. He was proceeded against by bill of attainder; and the depositions before the Council were deemed sufficient ground for his condemnation.

immediate heirs of the Duke of Somerset to feel the hard measure that was meted to them;—it is sufficient to remember the arbitrary imprisonment, the forced separation of husband and wife, the interference with the free exercise of legal justice, the long expatriation, the cruel insults heaped upon helpless and defenceless ladies of high birth and irreproachable virtue, the perpetuation of an unproved taint of illegitimacy, and the cold neglect which followed more active persecution, to feel how largely regal power had been abused to inflict personal wrong from motives of anger, fear, or jealousy.

But another and more pleasing lesson is to be drawn from the recapitulation of these circumstances, which cannot in justice be omitted, for without their due recollection it is impossible to appreciate fully the noble forgetfulness of former wrongs that marked the conduct of William Seymour from the time he thought the just prerogatives of the King unduly assailed, and the unflinching and undeviating loyalty he displayed in defending the rights of a Crown which, in the too great plenitude of power, had so harshly exerted its influence to the injury of his family and himself.

CHAPTER V.

Lord Hertford attends the Parliament of 1626.—He lives in retirement until 1640.—In that year he attends Parliament and the Council of Peers at York.—He is appointed one of the Commissioners to treat with the Scots.—The Commissioners meet at Ripon.—The negotiations proceed.—Impediments to their success.—The Commissioners remove to London.

ON the 27th of March, 1624-5, James died, and on the 17th of May, 1625, the first Parliament of King Charles's reign was summoned. Lord Hertford continued to send his proxy, having leave to be absent.

On the 6th of February, 1625-6, Parliament met again, and on the 15th of February Lord Hertford took the oaths of allegiance in company with many other peers: from this time his name appears constantly amongst those who were present in the House of Lords, and occasionally as taking part in the business by serving on Committees. On the 5th of April he made the report to the House from the Committee on Privileges respecting the case of proxies held by a peer not sitting in Parliament himself.[1]

This case arose in consequence of the King having committed the Earl of Arundel to prison for the marriage of his eldest son with the Lady Elizabeth Stuart[2]

[1] The question was, "Whether those proxies are of any validity which "are deputed to any peer who sitteth not in Parliament himself?"—Lords' Journals, vol. iii. p. 552.

[2] Daughter of the Duke of Lennox.

without the royal consent. Lord Arundel held five proxies, which, it was decided, were now lost to the House; and the Committee reported that the committal of a peer (the Parliament sitting), without trial or judgment of peers of Parliament, was without precedent since the time of Edward III., and that even the case[1] in that reign could not be proved to have occurred "in Parliament time."[2]

This was the first occasion on which Lord Hertford addressed the House; and both on this and the two subsequent occasions, when speaking as reporter of conferences with the Commons, he must have felt that interest in the case which would arise from the recollection of past injuries sustained not only by himself, but by those nearest and dearest to him, from the violation of the liberty of the subject.

On the 9th of April, 1628, the Lord President of the Council, Lords Hertford and Devon, and the Bishop of Lincoln reported the speeches made in the conferences by Sir Dudley Digges, Mr. Littleton, Mr. Selden, and Sir Edward Coke, concerning the subjects' liberties and freedom from imprisonment.[3] It fell to Lord Hertford's part to report the speech delivered by Mr. Littleton; and the few words uttered by him in conclusion show that his own opinion coincided with that expressed by the Commons in this conference. "And "now, my Lords," said he, "I have performed the "command of the Commons, and, as I conceive, shall "leave their declaration of personal liberty an ancient

[1] The Bishop of Winchester. [2] Lords' Journals, vol. iii. p. 552.
[3] Ibid., p. 717.

" and undoubted truth, fortified with seven Acts of Par-
" liament, and not opposed by any statute or authority
" of law whatsoever."[1]

On the 19th of April Lord Hertford again reported to the House another conference on the same subject. These seem to be the only occasions on which he spoke, but his attendance in the House of Lords was constant until the dissolution of Parliament on the 10th of March, 1628-9.

A period of twelve years elapsed between the dissolution of the last and the calling together of that next short Parliament so reluctantly summoned and so unwisely dismissed. During these twelve long years there was little opportunity for any one not engaged in the immediate administration of government to take part in public affairs. The rights of the Commons were forgotten, their privileges superseded by the unconstitutional means resorted to for obtaining supplies, and the hereditary power of the Lords sank into oblivion. Foreign service afforded the only opening to military fame, whilst the Court was the only arena left at home where political ambition could seek for display or look for distinction. Under these circumstances it was improbable that Lord Hertford's name should find any place in the administration of public affairs. " He had
" received," says Lord Clarendon, " many and conti-
" nued disobligations from the Court, from the time of
" this King's coming to the Crown as well as during
" the reign of King James, in both which seasons more
" than ordinary care had been taken to discountenance

[1] Lords' Journals, vol. iii. p. 722.

" and lessen his interest."[1] No wonder, therefore, that for this long period history furnishes no mention of Lord Hertford; and during this season of retirement he acquired such habits of study, together with a certain love of ease and indisposition to social exertion, or even to bodily activity, as must have rendered the entering into public life at fifty years old peculiarly distasteful and irksome. But, though living in retirement, Lord Hertford seems to have exercised considerable influence over the opinions of others; and when the King had issued letters summoning the peers to attend him in the field in 1639, Lord Hertford was looked to as the guide by whose conduct on that occasion many resolved their own should be determined.[2] In the short session that lasted from the 13th of April to the 4th of May, 1640, Lord Hertford constantly attended in the House of Lords, and a few months later, in obedience to the King's writ of summons, he attended the great council of Peers assembled at York.[3]

The Council met on the 24th of September. The King's first act was to command the petition of the Scots (dated September 4th), and the correspondence that arose out of that petition, to be read to the Council.

[1] Hist. of the Rebellion, vol. ii. p. 244.

[2] *Sir John Temple to Robert Earl of Leicester.*

" Our praparacions for Scotland goe on, though but slowly. There is " much expectation of the Lords' answars to his Majesties letters for there " attendance of him at Yorke. It is thought many will refuse to engage " themselues in this seruice. What my Lord of Hartford will doe is not " yett knowen; many eyes are upon him; and his example, as is con- " ceiued, will either keepe out or draw in many with him.

" Blackfriers, February 7, 1638-9."—Sydney Papers, vol. i. p. 592.

[3] Life of Lord Falkland, above, vol. i. pp. 33-4.

"All which being heard and considered of by the "peers, it was at last resolved that sixteen of them- "selves should be sent as Commissioners to treat with "Commissioners of theirs."[1] The tone of the Scots' petition Lord Clarendon admits "to have been as full "of as much submission as a victory itself could pro- "duce, and could not but beget a treaty."[2]

The King was specially cautioned "that no such "ungracious persons might be intrusted by him in this "treaty as might beget jealousies in the Scots, and so "render it fruitless."[3] For this reason Lord Hertford, Lord Essex, Lord Bedford, Lord Bristol, and twelve others[4] were chosen by the King, "all popular men, "and not one of them of much interest in the Court."[5] It was clear, therefore, that the choice of Lord Hertford was rather as a commissioner who should not be unacceptable to the Scots, than as one who was agreeable to the King.

On the 1st of October the sixteen English Commissioners met those appointed by the Scots at Ripon. They were eight in number, and, with the exception of the Earl of Dunfermline and Lord Loudon,[6] of inferior

[1] Rushworth, vol. iii. p. 1276.

[2] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 274. [3] Ibid.

[4] The Earls of Pembroke, Salisbury, Holland, and Berkshire; the Lords Mandeville, Wharton, Dunsmore, Brook, Savile, Paulet, Howard of Escrick, Paget.

[5] Lord Clarendon adds Lord Holland's name as the only exception to those "who had not much interest at Court," but "who was known to be "fit for any counsel that should be taken against the Earl of Strafford, "who had among them scarce a friend or person civilly inclined towards him."—Hist. of the Rebellion, vol. i. p. 274.

[6] Sir Patrick Hepburne, Sir William Douglass, Mr. Smith, Mr. Wedderburn, Mr. Henderson, Mr. Johnston.

rank as well as number to those commissioned by the King. Instructions were drawn up for the guidance of the King's Commissioners, and at their desire six assistant commissioners,[1] "who were either versed in "the laws of Scotland, or had been formerly acquainted "with the business," were appointed to be present at the drawing up of the proposed treaty.[2] The Scots demanded the sum of 40,000*l.* per month for the maintenance of their army. The English Commissioners demurred, and requested their reconsideration of this demand. With characteristic prudence they returned for answer "that it was their desire that their Lord-"ships should be pleased to express what sum their "Lordships thought to be a competency."[3] Upon this reply Lord Hertford and four others of the Commissioners[4] returned to York to receive further instructions from the King and great Council of Peers.[5]

After much negotiation as to the terms that could be offered to the Scots and those they would accept, 850*l.*

[1] Earls of Traquaire, Morton, Lanerick; Mr. Secretary Vane, Sir Lewis Steward, Sir John Burrough.

[2] Rushworth, 'Coll.,' vol. iii. p. 1276.

[3] Ibid., p. 1289.

[4] Earls Bristol and Holland, Lords Wharton and Savile.

[5] "When the other Lords returned to Ripon, the Earl of Pembroke, as "a man of great fortune, and at that time very popular, was sent with "two or three other Lords to London with a letter from the King, and a "subscription from the Lords Commissioners of the treaty (which was "then more powerful), to borrow 200,000*l.* from the City for the payment "of both armies whilst the cessation and treaty should continue, 'which "they hoped would quickly be at an end, and the Scots return into their "own country.' The City was easily persuaded to furnish the money, to "be repaid out of the first that should be raised by the Parliament, which "was very shortly to meet."—Clarendon's 'Hist. of the Rebellion,' vol. i. pp. 281-2.

per diem for the maintenance of their army was proposed: the Scotch denied its being a competency, and wished to add to that sum a provision for coals and forage. They were also dissatisfied with the security offered for the payment of the money. No definitive treaty was agreed upon; and at last a letter was addressed to the King, signed by the sixteen Commissioners, and dated Ripon, October 23, 1640, proposing to transfer the treaty to London. The King consented, and the Scotch Commissioners accordingly removed to London.

The management of the treaty at Ripon is discussed at some length in Lord Clarendon's 'History,' but it is impossible to examine carefully his own statement of facts without feeling that the prejudice created in his mind against the Scots by subsequent events warped his judgment of their conduct, and led him to colour, according to those impressions, both the motives by which he supposed they were actuated and the influence they exercised on the English Commissioners.

Lord Clarendon speaks of the ignorance of the sixteen English Commissioners respecting the laws and customs of Scotland, and says that some of them who had been employed in the first treaty at the Berkes and in the last at Ripon did neither then or ever after know anything of the laws and customs of that kingdom, "by "which they might have judged whether the King had "exceeded his just power,"[1] and only received their impressions at those meetings "from the persons who were

[1] Clarendon's 'Hist. of the Rebellion,' vol. i. p. 288.

" naturally to make their own defence, and so by accusing " others to make their own case the more plausible."

The Commissioners, however, could hardly have pleaded ignorance at Ripon as to the rights of the case and the laws of Scotland, when by their own desire they were accompanied by six assistant Commissioners, to save them from the possible danger of want of knowledge or information on such points; nor after Lord Clarendon's own account of the aggressive conduct of the King[1] in forcing an unwelcome Liturgy upon the people of Scotland, accompanied with other acts of arbitrary power, ought he to deem the representations of the Scotch Commissioners either exaggerated or unjust.

The English Commissioners were by them, he says, " told of a Liturgy imposed upon them by their bishops, " contrary to or without Act of Parliament, with strange " circumstances of severity and rigour; of some clauses " in that Liturgy different from that of the Church of " England, with pretty smart comments of advice and " animadversions upon those alterations; of a book of " canons, in which an extraordinary and extravagant " power was asserted to the bishops; of a High Commis- " sion Court, which exceeded all limits, and censured " all degrees of men; of the insolent speeches of this " bishop to that nobleman, and of the ill life of another; " of their own great humility and duty to their sacred " sovereign, without whose favour they would not " live."[2] They also dwelt on their submissive addresses

[1] Life of Lord Falkland, vol. i. p. 15.

[2] Hist. of the Rebellion, vol. i. pp. 288-9.

by petition and otherwise to the King, but that the interposition of their adversaries had prevailed against them. With these and the like artifices, continues Lord Clarendon, "the good Lords were so wrought upon "that they easily consented to whatever was proposed."

The Scotch Commissioners expressed their wish "for "the removal of three or four persons from about the "King; whose own gracious disposition and inclination, "they said, would bountifully provide for the happiness "of all his dominions, if those ill men had had no "influence upon his counsels."[1] To some of the English Commissioners, with whom they became on terms of private intimacy, they also spoke openly of Archbishop Laud, the Earl of Strafford, and the Marquis of Hamilton, as those whom they wished to see removed. They also alluded in confidence "to the excess of the "Queen's power, which, in respect of her religion, and "of the persons who had most interest in her, ought not to "prevail so much upon the King as it did in all affairs." They said "that the King would never be happy, nor his "kingdom flourish, till he had such persons about him in "all places of trust as were of honours and experience "in affairs, and of good fortunes and interests in the "affections of the people; who would always inform his "Majesty that his own greatness and happiness con-"sisted in the execution of justice and the happiness of "his subjects; and who are known to be zealous for the "preservation and advancement of the Protestant reli-"gion, which every honest man thought at present to "be in great danger, by the exorbitant power of the

[1] Hist. of the Rebellion, vol. i. p. 276.

"Archbishop of Canterbury and some other bishops "who were governed by him." "It was no hard "matter," continues Lord Clarendon, "to insinuate "into the persons with whom they held this discourse "that they were the very men who they wished should "be in most credit about the King."[1]

But though Lord Clarendon thus speaks of artifices and cajoleries, how is it possible to read the statements here quoted by himself in proof of the duplicity of the Scots and the credulity of the English Commissioners, without feeling that in fact the Scots at that time used no other art than that of speaking the truth, which the English Commissioners, as candid men, could neither deny or reject?[2]

The warm assurances of sympathy in the grievances of the English might have been specious and insincere, and might have been given, as Lord Clarendon supposes, only to further the interests of their own country; be that as it may, the grievances upon which they expressed their sympathy, and tendered their assistance to redress, were not only real, but were afterwards fully admitted in Parliament to be so, both by Lord Clarendon himself, Lord Falkland, and other such moderate and sincere reformers.

The Scots had but too good reason to distrust the

[1] Hist. of the Rebellion, vol. i. p. 277.

[2] "They concluded," says Lord Clarendon, "that their affections were "so great to this kingdom (England), and they so desired that all griev- "ances might be redressed here, that, though they should receive present "satisfaction in all that concerned themselves, they would not yet return "till provision might likewise be made for the just interest of England "and the reformation of what was amiss there in reference to Church and "State."—Ibid.

evil counsels that influenced the conduct of Charles even whilst the treaty was proceeding at Ripon; nor could the English Commissioners rely upon the good faith of those for whom they were acting. Lord Clarendon admits that there was "no man's advice of much credit "with the King, but that of the Earl of Strafford."[1] Lord Strafford did not scruple to give secret advice, "*which was not to be communicated to the Council;*"[2] and he fully intended that the Scots should be forcibly driven out of the kingdom whilst the treaty was actually proceeding. "He commanded Major Smith to "fall upon a Scottish quarter in the bishopric of Dur- "ham, who defeated two or three of their troops, and "took all their officers prisoners, and made it manifest "enough that the kingdom might be rid of the rest, "if it were vigorously pursued; which the Earl of "Strafford heartily intended."

A more flagrant act of treachery could hardly well be devised. Leslie, the Scottish General, complained that he himself "had forborne to make any such attempt "out of respect to the treaty;"[3] and the English Commissioners "thought themselves neglected and affronted "by it,"[4] and prevailed upon the King to restrain his General from giving any more such orders.

Unhappily, the bad faith exhibited in the counsels of Lord Strafford were in no way distasteful to Charles; but the remonstrances of his own Commissioners, and the desire they showed to deal fairly with their enemies, were not agreeable to his wishes, and shook his confidence

[1] Hist. of the Rebellion, vol. i. p. 280.
[2] Ibid.
[3] Ibid., p. 281.
[4] Ibid.

in their loyalty. "The King," says Lord Clarendon, "began so far to dislike the temper of his Commis-"sioners, that he thought the Parliament would be "more jealous of his honour and more sensible of the "indignities he suffered by the Scots than the Commis-"sioners appeared to be;"[1] he therefore wished them to conclude the cessation of arms upon as good terms as they could, to enter upon no other particulars, but to adjourn the treaty to London.

This Lord Clarendon regards "as the last and most "confounding error;" it gave the Scotch Commissioners the opportunity to publish "all their opinions "in their sermons to the people, who resorted to them "in incredible numbers, and to give their advice from "time to time to those of the English who knew not so "well yet to compass their own ends."[2]

The principal reason assigned by the English Commissioners, in their address to the King (dated October 31), for the removal to London, was the shortness of time that remained for settling articles both numerous and intricate before the meeting of Parliament, when all the English Peers would be required there to attend.

Whether the transfer of the treaty was so great an error, or productive of all the evil which Lord Clarendon assigns to that circumstance, may be matter of opinion. In the multiplicity of causes to which great events are generally traced back, it is difficult to define the exact share contributed by any one to their production; but, whatever were the effects of this removal, it is clear that

[1] Hist. of the Rebellion, vol. i. p. 281. [2] Ibid., p. 291.

Charles's suspicions of those whom he should have trusted, and the just mistrust which the bad faith of his own and his favourite minister's conduct inspired both in the Scottish and English Commissioners, were the main causes of the treaty being transferred from Ripon to London.

CHAPTER VI.

Lord Hertford signs a petition for the assembling of a Parliament.—The Long Parliament meets.—Lord Hertford does not support the proceedings against Strafford.—He is one of the Peers who take examinations in Strafford's case.—He disapproves of taking Strafford's life.—Attainder of Strafford.—The Treaty with the Scots concluded.—Lord Hertford's Parliamentary acts during the Session of 1641. He is made a Privy Councillor.

ON the 24th of September the King had announced in his opening address to the Lords of the great Council at York his intention of assembling Parliament on the 3rd of November, and accordingly that Parliament then met which was destined first to restore and afterwards to destroy every principle by which a constitutional monarchy can pretend to secure the liberty of the subject, without trenching on the prerogatives of the Crown.

Immediately previous to the opening of the Council at York petitions had been addressed to the King on the subject of existing grievances and the necessity of calling together a Parliament, and amongst the most remarkable was that signed by Lord Hertford,[1] Lord

[1] *The Petition of the Earl of Essex, Hertford, &c., to the King to call a Parliament.*

"Most gracious Sovereign,—The sense of that duty and service which "we owe unto your sacred Majesty, and our earnest affection to the good

Essex, and ten other Peers, entitled "The Humble "Petition of your Majesty's most loyal and obedient "Subjects, whose names are underwritten, in behalf of

"and welfare of this your realm of England, have moved us in all hu- "mility to beseech your Royal Majesty to give us leave to offer unto your "most princely wisdom the apprehension which we and other your "faithful subjects have conceived of the great distempers and dangers "now threatening the Church and State of your Royal person, and the "fittest means by which they may be prevented.

"The evils and dangers whereof your Majesty may be pleased to take "notice are these:—

"1. That your sacred Majesty is exposed to hazard and danger in the "present expedition against the Scottish army; and by the occasion of "the war your revenue is much wasted, your subjects burthened with "coal and conduct money, billeting of soldiers and other military "charges, and divers rapines and disorders committed in several parts in "this your realm by the soldiers raised for that service, and your whole "kingdom become full of fear and discontent.

"2. The sundry innovations in matters of religion, the oath and canons "lately imposed upon the clergy and other your Majesty's subjects.

"3. The great increase of Popery, and employing of Popish recusants "and others ill-affected to the religion by law established in places of "power and trust, and especially commanding of men and arms both in "the field and other counties in this realm, whereas by the laws they are "not permitted to have arms in their own houses.

"4. The great mischief which may fall upon this kingdom if the inten- "tions, which have been credibly reported, of bringing in of Irish forces "shall take effect.

"5. The urging of ship-money and prosecution of some sheriffs in the "Star Chamber for not levying of it.

"6. The heavy charges of merchandize, to the discouragement of trade, "the multitude of monopolies, and other patentees, whereby the commo- "dities and manufactures of the kingdom are much burthened, to the "great and universal grievance of your people.

"7. The great grief of your subjects, by the intermission of Parliaments, "in the late former dissolving of such as have been called, with the hoped "effects which otherwise they might have procured.

"For a remedy whereof, and prevention of the danger that may ensue "to your Royal person and to the whole State, we do, in all humility and "faithfulness, beseech your most excellent Majesty that you would be "pleased to summon a Parliament within some short and convenient "time, whereby the cause of these and other great grievances, which your "poor Petitioners now lie under, may be taken away, and the authors

"themselves and divers others." The importance of this petition, and the sense of what was due to these Peers for their patriotic effort, was strongly marked in Parliament some months afterwards, when, on the 18th of March, 1640-1, it was resolved in the House of Lords, nem. con., first, that the petition should be then read aloud, and next, "That for the "honour of the Lords petitioners this petition be "recorded in this House, with their names thereunto; "and that this House doth give them thanks for it, as "being just, legal, and good both for the King and the "kingdom." It was also resolved, "That the House "doth approve of the substance and contents of this "petition, and do make it as an act of this House."[1] Thanks were likewise voted to Lord Mandevile and Lord Howard for having presented the petition to the King.

On the 11th of November, eight days only after the meeting of Parliament, a message was sent from the House of Commons to the Lords for the purpose of impeaching the Earl of Strafford. He was ordered to

"and counsellors of them may be there brought to such legal trial and "condign punishment as the nature of the offence does require, and that "the present war may be composed by your Majesty's wisdom without "bloodshed, in such manner as may conduce to the honour and safety of "your Majesty's person, and content of your people, and continuance of "both of your kingdoms against the common enemy of the reformed "religion.

"FRANCIS BEDFORD.	SAY AND SEAL.
RO. ESSEX.	ED. HOWARD.
WILLIAM HARTFORD.	BULLINGBROOK.
WARWICK.	MANDEVILE.
EARL OF BRISTOL.	BROOK.
MULGRAVE.	PAGETT."

—Rushworth's 'Coll.,' vol. iii. p. 1260.

[1] Lords' Journals, vol. iv. p. 189.

withdraw whilst the message was debated, and on being afterwards called to the bar as a delinquent was delivered into the custody of the gentleman-usher. The first occasion on which Lord Hertford's opinions and conduct were likely to have been acceptable to the King was on the subject of the proceedings against Lord Strafford. Lord Clarendon says "he carried himself "with notable steadiness from the beginning of the "Parliament in the support and defence of the King's "power and dignity, notwithstanding all his allies and "those with whom he had the greatest familiarity and "friendship were of the opposite party, and never con- "curred with them against the Earl of Strafford, whom "he was known not to love, nor in any other extrava- "gancy."[1] In this one sentence it is plainly shown that Lord Hertford was too just to be swayed by party or personal dislike towards Lord Strafford, too generous to be actuated by any spirit of resentment for the harshness and coldness he had experienced during two successive reigns. He had, in spite of his tranquil studious habits and love of retirement, forced himself into taking an active part in public affairs; he had contributed his name and sanction to an address that should bring before the King the most crying grievances of the people, and had exerted himself with his fellow Commissioners to secure fair and honourable terms for the Scotch, whilst Charles and Strafford would treacherously have superseded the treaty by force of arms. But, on the other hand, when he saw the power of Parliament outstepping what he believed to be the bounds of its own province, "stretching points of old law or making

[1] Hist. of the Rebellion, vol. ii. p. 244.

"new law" to reach offenders who might otherwise have escaped the desired penalty, he refused to join in any such extreme measure, and lent his support to maintain the dignity of the Throne. The same respect for authority marked his conduct towards the Church. Without the exhibition of any undue confidence in its ministers, "he was not to be shaken," says Lord Clarendon, "in his affection to the government of the "Church, though it was enough known that he was in "no degree biassed by any great inclination to the "person of any churchman."[1] With such feelings of deference towards the Throne and the Church it redounded greatly to Lord Hertford's credit that he preserved the good opinion of the political party with whom he had been acting, and in whose general views of reform he concurred. "That party," continues Lord Clarendon, "carried themselves towards him with pro- "found respect, not presuming to venture their own "credit in endeavouring to lessen his."[2]

It is probable that in regard to Lord Strafford Lord Hertford was early treated with some confidence by the King, for only a week after his committal to the Tower the following entry appears in the Journals of the Lords:—

"*Nov.* 19. This day the Earl of Hertford, *by the King's command,* and the Earl of Cleveland, upon his own occasions, moved the House that they may have leave to go to the Earl of Strafford this afternoon; which was granted them."[3]

What was the object of the King's message by Lord Hertford does not transpire. Lord Hertford was one

[1] Hist. of the Rebellion, vol. ii. p. 245.
[2] Ibid.
[3] Lords' Journals, vol. iv. p. 93.

of ten peers who were deputed by the House to take the preparatory examinations in the Earl of Strafford's case,[1] but it is to be presumed, from Lord Clarendon's account of his feelings and conduct on the subject, that this task was not undertaken by him in any spirit of hostility towards the prisoner.

The witnesses were to be examined not only in presence of these ten peers, but also of such members of the House of Commons as that House deputed to attend; and all were enjoined by the House to secrecy,[2] —an injunction, however, that was declared not to be a precedent for the future.[3]

The next day, by desire of the Commons, the following witnesses were called upon to make oath at the bar of the House of Lords—

"That they would speak the truth, the whole truth, and nothing but the truth; and that they would not be influenced either for fear, favour, affection, or any other cause whatsoever, whether their depositions be in writing or by word of mouth."[4]

LORD ARCHBISHOP OF CANTERBURY.
LORD ADMIRAL.
EARL OF CAMBRIDGE.
LORD COTTINGTON.
LORD VISCOUNT WILLMOTT.
SECRETARY WINDEBANK.
SECRETARY VANE.
SIR THOMAS JERMYN (Comptroller of his Majesty's Household).

[1] Lords' Journals, vol. iv. p. 103.
[2] Ibid.
[3] The Lords then retired to the Prince's lodging to frame the following oath of secrecy, to be taken by the Attorney-General and Serjeant Glanvile, who were to be in attendance during this private examination:—"You shall swear that in your writing and setting down of the examinations of the witnesses to be produced before the Lords deputed in the case of the Earl of Strafford, and in all things concerning the same, you shall well, truly, and faithfully behave yourselves. So help you God!" —Ibid., p. 104.
[4] Ibid., p. 133.

The summons by Lord Strafford's accusers of the highest officers of the Crown and the immediate attendants of the King to appear as witnesses on the trial of his most favoured minister was strongly indicative of the diminished influence of the Court and the increasing power and courage of the Parliament.

On the 13th of January, 1640-1, Mr. Pym was the bearer of a message from the Commons, to request that the examinations taken at their request by the Lords should be delivered up to them.[1] Lord Strafford petitioned by letter against their so doing, but his petition was rejected without answer, and the preparatory examinations were delivered to the Commons, that they might draw from them the special grounds of charge against him.[2] On the 22nd of March, 1640-1, the trial commenced in Westminster Hall. The Earl of Strafford was brought to the bar by the Lieutenant of the Tower, and there remained on his knees till commanded to rise by the Lord Steward, who then informed him that he was that day to receive his trial for life.[3]

During the proceedings relating to the trial Lord Hertford's name is entered in the Journals upon one or two occasions as being on committees to which doubtful points respecting the admission of evidence were referred; but nothing is preserved that marks the individual opinions of Lord Hertford or of the others who

[1] Lords' Journals, vol. iv. p. 133. [2] Ibid.

[3] Ibid., p. 194. The Lord Steward told him "that he was to answer "the whole accusation of high treason, which he stands charged of, in the "name of the House of Commons now assembled in Parliament, and in "the name of all the Commons in England; and that this day he is to "receive his trial for his life."

served with him. Lord Clarendon, however, narrates a conversation which took place on the 26th of April between himself and the Earl of Bedford on the subject of passing the bill of attainder against the Earl of Strafford, and by that it incidentally appears on which side Lord Hertford endeavoured to use his influence in private.[1]

"Mr. Hyde going to a place called Piccadilly (which "was a fair house for entertainment and gaming, with "handsome gravel walks with shade, and where were "an upper and lower bowling-green, whither very "many of the nobility and gentry of the best quality "resorted, both for exercise and conversation[2]), as soon "as ever he came into the ground the Earl of Bedford "came to him, and, after some short compliments upon "what had passed in the morning,[3] told him 'He was "glad he was come thither, for there was a friend of "his (meaning the Earl of Essex) in the lower ground "who needed his counsel.'" The Earl of Bedford then proceeded to state his fears lest the violence and want of temper in the Parliament should destroy their own happiness; that the business concerning Lord Strafford was a rock upon which they would split; "that the passion of Parliament would destroy the "kingdom; and that the King was ready to do all they "could desire if the life of the Earl of Strafford might

[1] 'Hist. of the Rebellion,' vol. i. p. 422. Lord Clarendon says, "it "was in the afternoon of the same day when the conference had been in "the Painted Chamber upon the Court of York," which was on the 26th of April.—Vide Parliamentary Hist., vol. ii. p. 766.

[2] Concerning Piccadilly Hall, see Cunningham's Handbook of London, Art. Piccadilly.

[3] Viz., Mr. Hyde's Speech upon the Court of York.

" be spared." He also spoke of what he knew were the King's feelings on the point of being expected to give his consent to an Act of Parliament to which his conscience did not assent, though, as he declared, if " they would " take his death upon them by their own judicatory, he " would not interpose any act of his own conscience."[1]

The Earl of Bedford's opinions respecting Lord Strafford's guilt, and the mode of proceeding against him, were such as left him no scruple in giving his own vote for the bill, but he, nevertheless, felt that the King ought not to be pressed to perform an act that was so contrary to his principles; he was therefore disposed to be satisfied with the King's promise of holding Lord Strafford incapable of filling any office for the future, his imprisonment or banishment for life; all or any of which punishments the King declared himself willing to inflict as justly due to the misdemeanours of his minister.[2]

[1] Hist. of the Rebellion, vol. i. p. 423. The King's sentiments, as here stated by the Earl of Bedford, were embodied four days later (April 30) in a speech which the King himself addressed to both Houses.—Vide Nalson's ' Coll.,' vol. ii. p. 186.

[2] Lord Clarendon considers the sudden illness and death of the Earl of Bedford to have been one of the main causes that contributed to the passing of the bill. " He had," says he, " secretly undertaken to his Majesty " that the Earl of Strafford's life should be preserved, and to procure his " (the King's) revenue to be settled as amply as any of his progenitors'. " . . . He fell sick (of the small-pox) within a week after the bill of " attainder was sent up to the Lords' House, and died shortly after, much " afflicted with the passion and fury which he perceived his party inclined " to, insomuch as he declared to some of near trust with him ' that he " feared the rage and madness of this Parliament would bring more preju- " dice and mischief to the kingdom than it had ever sustained by the long " intermission of Parliaments.' He was a wise man, and would have pro- " posed and advised moderate courses, but was not incapable, for want of " resolution, of being carried into violent ones, if his advice were not sub- " mitted to."—Hist. of the Rebellion, vol. i. p. 446.

The "main difficulty," continued the Earl of Bedford, "was to persuade the Earl of Essex to accede to this "compromise, for he found him so obstinate that he "could not in the least prevail with him." He added, "that he had just left his brother, the Earl of Hertford, "with him in the lower ground, and that of his good "offices to move the Earl of Essex from his severer "purpose he knew there was no doubt, and wished Mr. "Hyde to join them there, and take his turn to persuade "the Earl of Essex to what was reasonable."[1]

Mr. Hyde found them walking alone together. The Earl of Hertford remained but a short time, and then purposely left Mr. Hyde with the Earl of Essex. Mr. Hyde availed himself of the opportunity to urge every argument in favour of accepting the King's offered assurance of security from any future power of evil in the minister rather than insisting on the extreme punishment for past offences.

Mr. Hyde met with no better success than the Earls of Bedford and Hertford. Lord Essex was inflexible. He had no confidence in the promise of an alternative which depended for its performance on the firmness of purpose or the good faith of the King. He shook his head. "Stone dead hath no fellow" was the stern reply, and then in explanation he added, "that if "Lord Strafford were judged guilty in a præmunire "according to the precedents cited, or fined in any other "way, and sentenced to be imprisoned during his life, "the King would presently grant him his pardon and "his estate, release all fines, and would likewise give

[1] Hist. of the Rebellion, vol. i. p. 424.

"him his liberty as soon as he had a mind to receive "his service, which would be as soon as the Parliament "should be ended."[1]

In this mistrust of the King consists the chief argument in favour of the mode of proceeding against Lord Strafford. That his crimes were great, and that, in respect to moral guilt, he was more worthy of death than many who have suffered without infringement of law or deviation from justice, is a point which few will now dispute, and was in fact virtually admitted by Charles himself in his addresses to Parliament in behalf of his minister. But a trial for high treason, in which it was advanced as an opinion, and adopted as a principle, that no fair play was to be shown to the prisoner, but that he was to be knocked down like a wild beast,[2] and that there was no law for those who dealt not according to law with others[3]—a trial that sought to shape judicial proceedings so as to confirm and justify a foregone conclusion for capital punishment—must have been repugnant not only to those who, like Lord Hertford, withheld their

[1] Hist. of the Rebellion, vol. i. p. 426.

[2] "It 's true we give law to hares and deers, because they be beasts of "chace; it was never accounted either cruelty or foul play to knock foxes "and wolves on the head as they can be found, because these be beasts of "prey. The warrener sets traps for polecats and other vermin for preserv-"ation of the warren."

[3] "It hath often been inculcated that lawmakers should imitate the "Supreme Lawgiver, who commonly warns before he strikes. The law "was promulgated before the judgment of death for gathering the sticks. "No law, no transgression. To this rule of law is 'Frustra legis aux-"ilium invocat, qui in legem committit,' from the Lex Talionis. He that "would not have had others to have a law, why should he have any him-"self? Why should not that be done to him that himself would have "done to others?"—Vide St. John's Speech, Nalson, 'Coll.,' vol. ii. p. 184.

support, but to many even of those who from motives of patriotic policy voted for the bill of attainder.[1] From mistrust of the King the Parliament ventured to do that which even at the time was allowed by its own decision unfit for a precedent.

Had Charles been capable of gathering wisdom from experience, the terrible punishment which this mistrust brought down upon him might have served as a warning.[2] The judgment of Brutus and the assassination of

[1] The bill of attainder was only carried in the Lords by a majority of twenty-six over nineteen. Lord Hertford, Lord Holland, and Lord Bristol were absent, from what cause does not appear.—Nalson, 'Coll.,' vol. ii. p. 316. The conduct of these Lords, in absenting themselves upon so important an occasion, and when the majority by which the bill was carried was only seven in number, is inexplicable. Lord Hertford's opinion was so decidedly adverse to the bill, that it seems hardly consistent with the straightforward course he pursued on other occasions not to have supported that opinion with his vote. But no reason is assigned for his having declined this responsibility, and his absence neither diminished the growing favour of the King, nor called forth from Lord Clarendon animadversions similar to those which he makes on the Bishops, who absented themselves in a body from the House of Lords on Lord Strafford's trial, on the ground of its being a question of life. He says,—"Their unseasonable, "voluntary, unjust quitting it then, made many men less solicitous for the "defence of their right afterwards."—Hist. of the Rebellion, vol. i. p. 382.

[2] The following passage, to be found in Whitelock's 'Memorials,' p. 39, would certainly imply that the conduct of the managers of Lord Strafford's trial was neither free from the animosity of faction nor the bitterness of disappointed ambition:—"There was a proposal (the subject of much "discourse) to prevent all this trouble, and to restore the Earl of Straf- "ford to his former favour and honour, if the King should prefer some "of the grandees to offices at Court, whereby Strafford's enemies should "become his friends, and the King's desires be promoted. It was —— "should be made Lord Treasurer; the Lord Say, Master of the Wards; "Mr. Pym, Chancellor of the Exchequer; Mr. Hollis, Secretary of State; "Mr. Hampden, tutor to the Prince; others to have other places. In "order whereunto the Bishop of London resigned up his Treasurer's staff, "the Lord Cottington his place of Master of the Wards, and the rest were "easily to be voided. But whether upon the King's alteration of his mind, "or by what other means it came to pass, is uncertain: these things were

Cæsar were in accordance with notions of stern justice and inflexible patriotism, and the sacrifice offered, though repugnant to nature and in defiance of every private feeling, left the judge without compunction and the assassin without remorse. Whatever judgment we may pass on their rule of conduct, they acted on principles which they avowed, and they believed themselves

" not effected; and the great men, baffled thereby, became the more in-
" censed and violent against the Earl, joining with the Scots Commis-
" sioners, who were implacable against him." Lord Clarendon makes mention more than once of this intention to enlist the leaders of the adverse party in the King's service by promoting them to the great offices of State: —" The Earl of Bedford," says he, " was to be Treasurer, in order to " which the Bishop of London had already desired the King to 'receive " the staff into his hand, and give him leave to retire to the sole care of " his bishopric.' ... . Mr. Pym was to be Chancellor of the Exchequer, " which office the Lord Cottington was likewise ready to surrender, upon " assurance of indemnity for the future." Oliver St. John, at the desire of the Earl of Bedford, was made Solicitor-General. " Lord Say was to " be Master of the Wards, which place the Lord Cottington was likewise " to surrender. . . Denzil Hollis to be Secretary of State in the place of " Secretary Windebank. . . Hampden was a man they could not leave " unprovided for, and therefore there were several designs for the satisfac-
" tion and promotion of him, and Essex, and Kimbolton, and others, " though not so fully concluded as those before mentioned." It would seem, from Lord Clarendon's account, that the King's chief end in making so great a concession as calling these persons to the offices of highest trust was the hope of saving the life of Lord Strafford. On the other hand, however, those who were to be so preferred thought " their preferments " would be of little avail if the Earl's life were spared." With respect to the Church, the majority of them " would have been willing to satisfy the " King." But the continued and renewed violence in the prosecution of the Earl of Strafford made the King wish to postpone their promotion for a time.—Hist. of the Rebellion, vol. i. pp. 370-72. Lord Clarendon regretted the failure of these intended arrangements, and does more honour to his opponents than did Whitelock to his friends. " It is a great pity," says he, " that it was not fully executed, that the King might have had " some able men to have advised or assisted him, which probably these " very men would have done after they had been so thoroughly engaged." —Ibid., p. 371.

justified. Charles set his hand to the warrant of death not only at the sacrifice of every tie of personal honour and of private feeling, but in defiance of his professed opinions and against the strongest dictates of his conscience.

Nor can it be said the Parliament did wisely or well to seek from him that worst pledge for future good faith, the violation of the principles he had so openly and decidedly avowed. No doubt there is much to be urged in excuse for the reactionary spirit that evinced itself in this Parliament even at the outset of its meeting. Gross abuses had not only long existed, but had been felt as such; and whilst the nation had been used to the consideration of grievances its representatives were unused to the proceedings of a deliberative assembly; the habit of considering and calculating consequences, taught only by responsibility and learnt only by experience, was necessarily wanting amongst men who for twelve years (with one short exception) had been debarred from the exercise of functions they were now called upon to perform. A heavy censure must rest on the rash violence and precipitate injustice of too many of their acts within a few months of their being called together; but certainly that censure must be shared by those who, having caused or encouraged the long cessation of Parliament, necessarily gave at last to unpractised men a power which, gaining force by action, soon became too strong for guidance.*

The activity of Parliament from the moment of its meeting must have fully satisfied the wishes of the nation; and whilst reforms and impeachments were proposed and carried in rapid succession, the treaty

with Scotland, now transferred to London, was not neglected.

The labours of the English Commissioners did not cease by the removal from Ripon to London. Soon after Parliament met, the King having issued a new Commission under the Great Seal, appointing the same Commissioners that had been chosen before, the House of Lords approved of the choice, and on the 19th of November communicated their approval to the Commons, adding, however, "that nothing done by them shall "bind or conclude this House, unless this House be "first acquainted therewith and approve thereof."[1] The House of Commons also approved the choice of the Commissioners, but added on their part also that "no "conclusion of theirs shall bind the Commons without "their consent in Parliament."[2]

It was not till the 10th of August, the day of the King's departure for Scotland, that this treaty was brought to a conclusion. His Majesty came down to the House of Lords before setting out on his journey in order to pass different bills, and it was then he gave his assent to an "Act for the Confirmation of the Treaty "of Pacification between the two kingdoms of England "and Scotland," and also "An Act for securing by "Public Faith the remainder of the Friendly Assist-"ance and Relief promised to our Brethren of Scot-"land."[3] In the afternoon of that same day a conference took place between the two Houses, the result of which was thus reported to the Lords:— "That whereas

[1] Lords' Journals, vol. iv. p. 94. [2] Ibid., p. 95.
[3] Ibid., p. 356.

"it was formerly intimated at a conference that the "Scottish Commissioners declared that their army "would draw themselves into a camp, and begin to "march away out of this kingdom within eight-and-"forty hours after they had received the moneys of "arrears at Newcastle and the 80,000*l.* in part of the "brotherly assistance, and had security for the payment "of the rest; the House of Commons having now "paid them all their arrears at Newcastle and 80,000*l.* "in London, and performed all that was agreed to "be performed by them, they desire that the Lords "Commissioners may move the Scots Commissioners, "in the name of both Houses of Parliament, that their "army may march away, according to their promise. "And further, the House of Commons desires this "House would join with them to write letters to the "Lord General of the King's army to disband the "horse and foot presently, that so peace may be "settled and jealousies removed."[1]

Letters were accordingly written to the Lord General (the Earl of Holland) from both Houses of Parliament (the first dated August 11), ordering him, "with all "possible speed, to disband all the regiments of foot "and the train of artillery in his Majesty's army," and informing him of the engagement made by the Scots Commissioners for the immediate return of their army to Scotland upon the receipt of the promised arrears.[2] The next letter, sent a few days later, announced to the Lord General "the Treaty of Pacification having come "to a happy and peaceable conclusion."[3]

[1] Lords' Journals, vol. iv. pp. 357-8. [2] Ibid., pp. 359-60. [3] Ibid., p. 363.

It was proposed by the Commons that Commissioners should be sent to Scotland from both Houses to see the treaty performed there; and accordingly Lord Howard of Esterigg and the Earl of Bedford were named by the Lords, together with four members of the House of Commons, to go for that purpose as Commissioners to Scotland.[1]

The 7th of September was appointed as the day of thanksgiving throughout the kingdom for the conclusion of the peace between England and Scotland. The fulfilment of the conditions agreed on did not rest with those Commissioners who had been first appointed at York and re-appointed in London; their duties as Commissioners had now therefore terminated.[2]

In order to trace Lord Hertford's conduct in Parliament on other measures, it will be necessary to recur to an earlier period of the memorable session of 1640-1; and though the information is only to be gathered from such notices as are preserved in the Lords' Journals, there is enough to show that he took part in many of those subjects on which the abuse of power most needed reformation. His name appears on the 4th of January, 1640-1, as one of a Committee to inquire into the proceedings of the Star Chamber against

[1] Lords' Journals, vol. iv. p. 370.—Nathaniel Fynes, Sir William Armyn, Sir Philip Stapleton, and John Hampden.

[2] "On the 25th of October, 1641, the House ordered thanks to the "Earl of Holland, late Lord-General of his Majesty's army in the north, "for his Lordship's great care and diligence in disbanding the said army "so happily for the preservation of the safety and quiet of this kingdom; "which accordingly was done immediately by the Lord Keeper, in the "name of this House."—Lords' Journals, vol. iv. p. 404.

Sir Richard Wiseman, and also to examine the institution and power of that Court.[1]

On the 9th of February he was one of a Committee appointed to see immediately and effectually "a vacat "made of the judgment given in Mr. Hampden's case "in the Exchequer concerning ship money, and likewise "a vacat upon all the enrolments of the judges' extra-"judicial opinions in other Courts concerning ship-"money, with the resolutions of the House of Lords "annexed."[2]

On the 15th of February the Commons desired that a certain number of peers might accompany the members of their House chosen to wait upon the King, and to move him with a request he would pass the bill for triennial Parliaments, together with the bill of subsidies, that afternoon. Lord Hertford was one of the five Lords deputed on that mission.[3]

He also sat on the Committee for taking into "consi-"deration all innovations in the Church concerning "religion."[4]

On the 8th of May he was twice sent on messages to the King, the first time with three other peers,[5] to urge the Royal assent being given to the bill for the continuance of the Parliament, and the second time in company with five other peers,[6] on the part of both Houses, to

[1] Lords' Journals, vol. iv. p. 124. [2] Ibid., p. 156.

[3] Ibid., p. 162.—The Earl Marshal, the Lord Chamberlain, Earl of Bedford, Earl of Hertford, Earl of Holland.

[4] Committee appointed March 1st.—Lords' Journals, vol. iv. p. 174.

[5] Lord Chamberlain, Earl of Bath, Earl of March.

[6] Lord Chamberlain, Earl of Warwick, Earl of Cambridge, Earl of Holland, Viscount Say and Sele.

move the King to appoint the Earl of Essex Lord Lieutenant of Yorkshire.[1]

But whilst Lord Hertford was thus acting in concert with those whose efforts were directed towards restraining the exercise of undue interference and power on the part of the Crown, he had been added by the King, together with six other peers, to his Privy Council, and on the 19th of February, 1640-1, he and they were sworn Privy Councillors.[2]

[1] The House of Commons sent the following message to the Lords, "that they, having considered the dangerous estate which this kingdom is "in at this time, especially the northern parts, do desire that the trained "bands of the county of Yorkshire (being now considerable) may be put "into a safe hand. To that purpose they desire their Lordships would "please to join with them to move his Majesty effectually that the Earl "of Essex (who is a person of honour and integrity) may by his commis-"sion be made Lord-Lieutenant of Yorkshire."—Lords' Journals, vol. iv. p. 241.

[2] "At Whitehall, the 19th of February, 1640-1.

"This day the Earl of Bedford, the Earl of Essex, the Earl of Hert-"ford, the Earl of Bristol, the Lord Viscount Say and Sele, the Lord "Mandevile, and the Lord Savile were sworn Privy Councillors, took "their places at the Board, and signed."—Council Register.

CHAPTER VII.

Reasons which induced the King to make Lord Hertford a Privy Councillor.—It was a concession to the parliamentary party.—Relation of the Privy Council to Parliament in the reign of Charles I.—The King attempts to strengthen his Government by adding members of the popular party to the Privy Council.—Explanation of this policy.

THE nomination of Lord Hertford to the Privy Council in no way affected his relations with his own party, but it may seem strange that those who, like him and the Earls of Essex, Bedford, &c., were thus engaged in every measure hostile to arbitrary power, should, at the very time when that influence was much resented by the King, have been selected by him to become Privy Councillors. Lord Clarendon has, however, clearly explained the motives that actuated the King on this occasion. It is in this explanation that Lord Clarendon first distinctly sketches out the great principle of parliamentary ascendancy which has been so fully developed and unhesitatingly received in later times—a principle which has taught every English statesman to look to the approbation of Parliament, and not to the personal favour of the King, for appointment in the administration of national affairs, and compels the minister of the Crown to remember that his responsibility to Parliament is in no way lessened by royal protection.

The King, after the removal of Lord Strafford and Archbishop Laud from his presence and counsels, had

declared his intention "to reform all those extravagan-"cies which former necessities, or occasions, or mis-"takes, had brought into the government of Church or "State;"[1] and it was represented to him that he could give no better evidence of his intentions "than by "calling such persons to his council whom the people "generally thought most inclined to and intent upon "such reformation."[2] "Hereupon, in one day, were "sworn Privy Councillors, much to the public joy, the "Earl of Hertford, the Earl of Bedford, the Earl of "Essex, the Earl of Bristol, the Lord Say, the Lord "Savile, and the Lord Kimbolton,[3] and within two or "three days after the Earl of Warwick, being all per-"sons at that time very gracious to the people, or to "the Scots, by whose election and discretion the people "chose; and had been all in some umbrage at Court, "and most in visible disfavour there."[4] The King, it seems, acceded "cheerfully" to making this selection from the popular party, being, as Lord Clarendon says, "heartily inclined to some of them, as he had reason, "and not apprehending any inconvenience by that act "from the other, whom he thought this light of his "grace would reform or at least restrain."[5]

But however well grounded might be the King's hearty inclination to some of the new Privy Councillors, it is clear that neither adherence to the body they had been called upon to join nor allegiance to the King were at that time regarded by them as separable from

[1] Hist. of the Rebellion, vol. i. p. 341. [2] Ibid.
[3] Lord Mandevile. [4] Hist. of the Rebellion, vol. i. p. 341.
[5] Ibid.

their duty and responsibility to Parliament. "Instead "of exercising themselves in their new province and "endeavouring to preserve and vindicate that jurisdic- "tion, they looked upon themselves as preferred thither "by *their reputation in Parliament*, not by the kind- "ness and esteem of the King; and so resolved to "keep up principally the greatness of that place to "which they thought they owed their own greatness. "And therefore, when the King required the advice of "his Privy Council in those matters of the highest im- "portance which were then every day incumbent on "him, the new Privy Councillors positively declared "'that they might not' (that was, that nobody might) "'give his Majesty any advice in matters depending in "the two Houses, which was not *agreeable to the sense of "the two Houses*; which they called his great council, "by whose wisdom he was entirely to guide himself.'"[1]

By this "doctrine," which, Lord Clarendon says, was "insipidly and perniciously urged by some," and "supinely and stupidly submitted to by others," he points out how the King was at once deprived of all real power to exercise the veto or give his assent to such things as were proposed by the two Houses—a power which had hitherto been reserved to the Crown on measures which had been concluded in Parliament, and which he deems it was the especial province of the King and Privy Council to reconsider.[2]

[1] Hist. of the Rebellion, vol. i. p. 345.

[2] Lord Clarendon thus expresses the principle on which the advice of the Privy Council was to be tendered, and the King's assent to be given to such bills as had passed the Houses of Parliament:—"It is not only "lawful for the Privy Council, but their duty, to give faithfully and freely

The "doctrine" respecting the supremacy of Parliament, which he regarded as so pernicious, is no other than that in which the Sovereign of a constitutional monarchy now, under ordinary circumstances, naturally acquiesces; but it was then no less novel than startling. In the discussion between Mr. Hyde and Lord Essex on the question of the King's consent to the bill of attainder Lord Essex asserted "that the King was "obliged in conscience to conform himself, and his own "understanding, to the advice and conscience of his "Parliament;"[1] which was, adds Lord Clarendon, "a "doctrine newly resolved by their divines, and of great "use to them for the pursuing their future counsels."[2]

The position of the Sovereign respecting Parliament was at this time greatly changed from what it had been

"their advice to the King upon all matters concluded in Parliament, to "which his Royal assent is necessary, as well as upon any other subject "whatsoever. Nay, a Privy Councillor, as such, is bound to dissuade "the King from consenting to that which is prejudicial to the Crown, at "least to make that prejudice manifest to him, though as a private person "he could wish the matter consented to. And therefore, by the constitu- "tion of the kingdom, and the constant practice of former times, all bills, "after they had passed both Houses, were delivered by the clerk of the "Parliament to the clerk of the Crown, and by him brought to the "Attorney-General, who presented the same to the King sitting in "Council, and, having read them, declared what alterations were made by "those bills to former laws, and what benefit or detriment, in profit or "jurisdiction, would accrue thereby to the Crown; and then, upon a full "and free debate by his councillors, the King resolved accordingly upon "such bills as were to be enacted into laws, and respited the other that "he thought not fit to consent to. As this hath been the known practice, "so the reason is very visible, that, the Royal assent being a distinct and "essential part towards the making a law, there should be as much care "taken to inform the understanding and conscience of the King upon "those occasions as theirs who prepare the same for his royal assent."— Hist. of the Rebellion, vol. i. p. 346-7.

[1] Ibid., p. 427. [2] Ibid.

during the reigns of Elizabeth and James. In those days Parliaments were of short duration, and bore but a comparatively small part in the government of the country. No system of political party in Parliament had ever been organized; the fear or respect of Parliamentary leaders was unknown. When Parliament showed a disposition to assert its power in opposition to the wishes of the Sovereign, dissolution was the infallible remedy, whilst imprisonment awaited those members whose sentiments had been expressed with a freedom displeasing to the Court. These were the expedients by which Charles, no less than his predecessors, had for a while held in check the growing consciousness of its privileges that Parliament evinced.

But circumstances arose which made these expedients useless or dangerous. Financial difficulties forced the recall of Parliaments that had been hastily dissolved, and the Royal assent had been given to Acts of Parliament which rendered a system of personal intimidation dangerous in future for the Sovereign to repeat. Conciliation was now therefore the remaining alternative by which Charles might hope to deal with his Parliament; and difficult as it may be to apprehend the moment when constitutional changes become a necessity, it is not difficult to understand at all times the probable effects of conciliation towards opponents.

Without the slightest imputation of baseness or servility on either side, the exercise of that spirit often spares many of the misunderstandings which aggravate opposition into hostility; and when conciliation may safely advance to confidence, the consciousness of being

trusted begets in honourable minds a stronger sense of responsibility, and a keener perception of the arguments on each side of doubtful or disputed questions; so that the partisanship of the advocate is exchanged for the deliberation of the judge. The proverb quoted by Machiavelli—"Un animo in Piazza, un altro in Palazzo," may be satirically applied to suggest the corrupting tendency of high place to convert the champions of liberty into the oppressors of the people; but it has another and a better application, and well points to the change which knowledge brings with the participation in affairs and the exercise of power. No base change of principle is involved when, from change of position, a larger view is opened to guide the judgment; no servile abandonment of principle should be imputed when those who, as lookers-on, had seen only with the eyes of critics, learn by participation in action to feel the weight of responsibility and to appreciate the difficulties inseparable from government, or when, by sharing in the counsels of the state, they acquire a personal, no less than a patriotic interest, in such measures as they have assisted to frame.

Lord Clarendon was fully sensible of the policy of employing leaders of the party opposed to the Court but supported by Parliament, but it was only as *policy*;[1] he

[1] Lord Clarendon says,—"It was a great pity the intrigue for preferments was not fully executed, that the King might have had some able men to have advised or assisted him, which probably these very men would have done after they had been so thoroughly engaged; whereas the King had none left about him in any immediate trust in business (for I speak not of the Duke of Richmond, and some very few men more about his person, who always behaved themselves honourably) who either did not betray or sink under the weight or reproach of it."—'Hist. of the Rebellion,' vol. i. p. 371. "If that stratagem (though none

speaks of it as a plan or intrigue, as a stratagem to moderate their hostility or win over their opinions; he treats it as a wise expedient, founded on observation of human nature and knowledge of human motives, but certainly not as an admission of the propriety of the "New Doctrine" respecting the supremacy of Parliament. During the long intermissions of Parliament the King and the Privy Council had formed the legislature of the country;[1] when Parliament was sitting the Privy Council became a third deliberative assembly, where the questions concluded in Parliament were to be re-debated for the guidance of the King's final decision.

Lord Clarendon was far from being favourable to the unadvised arbitrary exercise of the sovereign's will in giving or withholding the Royal assent to the measures of Parliament;[2] but he could not brook that change by

"of the best), of winning men by places, had been practised, as soon "as the resolution was taken at York to call a Parliament (in which "it was apprehended dangerous attempts would be made, and that the "Court would not be able to resist those attempts), and if Mr. Pym, "Mr. Hampden, and Mr. Hollis had been preferred, with Mr. St. John, "before they were desperately embarked in their desperate designs, and "had innocence enough about them to trust the King, and be trusted by "him, having yet contracted no personal animosities against him, it is "very possible that they might either have been made instruments to "have done good service, or at least been restrained from endeavouring to "subvert the royal building, for supporting whereof they had been placed "as principal pillars."—Ibid., vol. ii. p. 60.

[1] Ibid., vol. i. p. 338.

[2] Lord Clarendon speaks of the necessity of "cherishing and preserving "the wisdom, integrity, dignity, and reputation of the Privy Council; the "lustre whereof always reflects upon the King himself, who is not "thought a great monarch when he follows only his own reason and appe-"tite, but when, for the informing his reason and guiding his actions, he

which the King and the Privy Council were to become only the formal instruments to give effect to the decisions of Parliament: nor can those justly be blamed who viewed with mistrust and alarm this great constitutional change.

Experience has proved what foreknowledge could not teach. By experience it has been shown that on the representatives of a nation must rest the main responsibility of their acts, and that powerful popular assemblies can only be co-existent with the fixed power of the Throne by guidance and by concession, not by forcing or thwarting their will. Could Charles have early understood and honestly acted upon the "New Doctrine," —had he early chosen for his advisers those whom the Parliament had already chosen as their leaders,[1] and thus thrown the responsibility of legislation on the Parliament,—he might have saved his throne and spared the country the disasters that unavoidably accompanied and followed its overthrow.

It may be difficult to determine the precise moment at which such concession became too late; but it was certainly not likely to have been made early by the King, or to have even been received by the popular

"uses the service, industry, and faculties of the wisest men."—Hist. of the Rebellion, vol. i. p. 344.

[1] Lord Clarendon was very sensible of the disadvantage that accrued to the King from the want of able ministers in the House of Commons:—"The King," says he, "had at that time a greater disadvantage (besides "the concurrence of ill and extraordinary accidents) than himself or any of "his progenitors had ever had before, having no servant of the House of "Commons of interest, ability, and reputation, and of faithfulness and "affection to his service."—Ibid., vol. ii. p. 59.

party on the ground of settled and acknowledged principle. Both sides were likely rather to regard it as the defeat or victory in the struggle for power; and however much to be regretted, it cannot afford matter of surprise, that the spirit of hostility described by Lord Clarendon should have arisen between the King, who held to the sovereignty of the Crown and Privy Council, and the party who, seeking only the approbation of Parliament, virtually acknowledged only the supremacy of that body. The King says he expected their service in Parliament "before he trusted them with power." The service he expected from them depended on their possession of that power, and "they could not be ex-"pected," says Lord Clarendon, "to desert that side "by the power of which they were sure to make them-"selves considerable, without an unquestionable mark of "interest in the other, by which they were to keep up "their power and reputation; and so, whilst the King "expected they should manifest their inclinations to his "service by their temper and moderation in those "proceedings that most offended him; and they endea-"voured, by doing all the hurt they could, to make "evident the power they had to do him good, he grew "so far disobliged and provoked that he could not in "honour gratify them; and they so obnoxious and guilty "that they could not think themselves secure in his "favour, and thence, according to the policy and method "of injustice, continued to oppress that power they had "injured, and to raise a security for themselves by dis-"abling the King to question their transgressions."[1]

[1] Hist. of the Rebellion, vol. ii. p. 61.

Lord Clarendon alludes to the great disservice which befel the King by making these new Privy Councillors; and though he qualifies his censure by adding that he speaks of "some of them,"[1] he also represents him as "being bereaved of all public assistance and advice when "he needed it most."[2] So far as these Privy Councillors were with truth open to the charge of neglecting or subverting the power or endangering the existence of the Crown, they cannot be justified; for, when the barriers were falling that should as surely have fenced the sovereign from the incursions of the people as the people from undue infringement on their liberty, it behoved the guardians of authority to use for its safety every constitutional weapon that might avert the impending danger.

These new Privy Councillors were first selected by Charles as a pledge to the popular party of his intention to reform abuses and redress all grievances; they had thus, when appointed, a common duty to perform to the Parliament and to the King in giving such advice as should best redeem his pledge. When civil strife had caused a divided allegiance to the King and to the Parliament, though the adherents of each power might conscientiously act upon their respective opinions, the Privy Council could never have been justly required, either by withholding or giving advice, to do that which should be subversive of the monarchy, and by which they incurred the imputation cast upon them that those "who were in the immediate trust in busi- "ness" about the King betrayed him, or "sank under

[1] Hist. of the Rebellion, vol. i. p. 345. [2] Ibid., p. 346.

"the weight and reproach of it." They were bound to advise the King to refuse, as he legally might, his assent to measures destructive to the Throne; or if by rejecting their counsel the King refused to redeem the pledge offered in their appointment to the popular party, they were free to resign their functions, but they were not free to destroy the institution they had sworn to uphold, or to turn the power of their office against the source from which it was derived. Out of these eight new Privy Councillors there were some to whom Lord Clarendon points as exceptions in his animadversions on their conduct; and amongst those exceptions Lord Hertford's name must take a prominent place, inasmuch as he faithfully adhered to his allegiance, and followed throughout the evil fortunes of the King.

CHAPTER VIII.

Lord Hertford is appointed Governor to the Prince of Wales, in the place of the Duke of Newcastle.—Reasons for the appointment.—He is created a Marquis.—The King sets out for Scotland.—Remonstrances of the Houses of Parliament against the removal of the Prince from Richmond to the Queen's residence at Oatlands.—Answer of the Queen.—The King is advised by his Ministers to return to England.

IN the month of May, 1641, a very important trust was imposed upon Lord Hertford, and, though seemingly much against his own inclination, he was appointed governor to the Prince of Wales.[1] The Marquis of Newcastle, who had hitherto filled that office, was peculiarly obnoxious both on public and on private grounds to two of the leaders of the popular party, the Earl of Essex and the Earl of Holland.[2] Of this he was well aware. "He knew," says Lord Clarendon, "that they liked not that he should have the government of the Prince, as one who would infuse such "principles into him as would not be agreeable to their

[1] Whitelock dates his appointment the 17th of May.—Whitelock's Memorials, p. 44. The Duchess of Newcastle, in the Memoirs of her husband, speaks of his resigning the charge of the Prince of Wales about the beginning of the year 1641, which might have been therefore either in April or May.

[2] A quarrel had taken place between the Earl of Newcastle and the Earl of Holland when engaged in the expedition to Scotland in 1639, on the subject of precedence asked and refused for the Prince of Wales's troop. As soon as the army was disbanded the Earl of Newcastle sent a challenge to the Earl of Holland: . . . . "by the King's authority the matter was composed;" but it would seem the parties had by no means been reconciled.—Hist. of the Rebellion, vol. i. p. 221.

"designs, and would dispose him to no kindness to their "persons, and that they would not rest till they saw "another man in that province."[1] On these and other grounds the Marquis of Newcastle asked the King's permission to resign his office; at the same time he recommended him "to put the Prince under the tuition "of some person of honour, of unquestionable fidelity "to him, and above the reach of popular disapproba- "tion:"[2] as the person best able to unite these qualifications, he named Lord Hertford. The King admitted the force of Lord Newcastle's reasons in favour of his own resignation, and acquiesced in the fitness of its being proposed to Lord Hertford to become his successor.

Lord Clarendon has inaccurately placed the resignation of Lord Newcastle some months later than the time at which it really occurred.[3] In consequence of this error he treats Lord Hertford's acceptance of an office, to which certainly neither his taste or habits inclined him, more as an act of self-sacrifice for the service of the King than the circumstances would have called for at the time of his appointment, or than his own opinions and those of the party to which he then belonged

[1] Ibid., vol. ii. p. 243.

[2] Ibid., p. 244.

[3] Lord Clarendon has been frequently taxed with the unfairness which arises from party bias, unjust prejudice, and uncandid judgment; and every inaccuracy of statement or error in time has been treated as an intentional wish to mislead: when, however, it is remembered how many slight inaccuracies occur which could have arisen from no other cause than the absence of necessary memoranda and could serve no imaginable object, justice demands that the utmost discrimination and candour should be exercised, first in discovering the instances, and then in fixing on the author the charge of wilful misrepresentation.

would have led him to make.[1] His appointment seems altogether consonant with those views which had led to his selection with seven others as members of the Privy Council—views that were certainly founded on the plan of conciliation on the part of the King towards the members of the popular party, and accepted by them as a concession to their influence and power in Parliament. At the same time that Lord Hertford was named to the office of governor to the Prince, the office of Master of the Wards was conferred on Lord Say in place of Lord Cottington, and Lord Essex was made Lord Chamberlain of the King's house.[2] Lord Hertford's appointment was the cause of "general satisfaction and "public joy to the whole kingdom."[3]

By Lord Clarendon's description of Lord Hertford's character and feelings it would seem that his disinclination to undertake the task now imposed upon him arose in part from the consciousness that he was unsuited to the performance of its duties. "It is very true," says he,

[1] "His Majesty thought him very worthy of the high trust, against "which there was no other exception but that he was not ambitious of it, "nor, in truth, willing to receive and undergo the charge, so contrary to his "natural constitution. But, in his pure zeal and affection for the Crown, "and the conscience that in this conjuncture his submission might advance "the King's service, and that the refusing it might prove disadvantageous "to his Majesty, he very cheerfully undertook the province, to the general "satisfaction and public joy of the whole kingdom; and to the no little "honour and credit of the Court, that so important and beloved a person "would attach himself to it under such a relation, when so many, who "had scarce ever eaten any bread but the King's, detached themselves "from their dependence, that they might without him, and against him, "preserve and improve those fortunes which they had procured and gotten "under him and by his bounty."—Hist. of the Rebellion, vol. ii. pp. 245-6.

[2] Whitelock's Memoirs, p. 44.

[3] Hist. of the Rebellion, vol. ii. p. 246.

"he wanted some of those qualities which might have "been wished to be in a person to be trusted in the "education of a great and hopeful Prince, and in the "forming of his mind and manners in so tender an age. "He was of an age not fit for much activity and fatigue; "and loved and was even wedded so much to his ease "that he loved his book above all exercises; and had "even contracted such a laziness of mind, that he had "no delight in an open and liberal conversation, and "cared not to discourse and argue on those points "which he understood very well, only for the trouble of "contending; and could never impose upon himself the "pain that was necessary to be undergone in such a "perpetual attendance; but then those lesser duties "might be otherwise provided for, and he could well "support the dignity of a governor, and exact that "diligence from others which he could not exercise him-"self; and his honour was so unblemished, that none "durst murmur against the designation; and therefore "his Majesty thought him very worthy of the high "trust, against which there was no other exception but "that he was not ambitious of it, nor in truth willing to "receive and undergo the charge so contrary to his "natural constitution."[1]

[1] Hist. of the Rebellion, vol. ii. pp. 245-6. "It is difficult to under-stand on what grounds the authoress of the Life of Henrietta Maria should have supposed the appointment of Lord Hertford as Governor of the Prince of Wales to have been forced upon the King as an insult by the Parliament, and to have thus accounted for the Queen's lamentation that she and the King were left without servants. "The Queen's fre-"quent expression," says she, "that the King and herself were left with-"out servants, arises from a political movement of the Parliament, by "which the whole royal household were changed at a blow. Some of the

On the 3rd of June,[1] 1641, the Earl of Hertford was raised by patent to the title of Marquis. Whether Charles now appreciated in Lord Hertford those qualities which merited respect, or that he hoped to atone by favours for past slights and try to win his regard, can only be matter of surmise; but there seems no reason to suppose that in receiving this mark of distinction he forfeited the confidence of the popular party, and he was introduced into the House of Lords between the Marquis of Winton and the Earl of Essex.

" leaders of the Opposition were placed in immediate domestication with " the royal family; as, for instance, the discontented peer, Lord Essex, " was made Lord Chamberlain, and his brother-in-law, the Marquis of " Hertford, was appointed Governor of the Prince of Wales, in hopes that " he would act as a rival claimant of the Crown, being the representative " of the Greys, the hereditary leaders of the Calvinistic party, or Edward " VI.'s Church."—Lives of the Queens of England, vol. viii. p. 79. Lord Clarendon was not likely to have been backward in censuring the Parliament for any want of respect towards the Court, and yet his account is wholly at variance with any such supposition, and the King's own conduct, immediately afterwards, towards Lord Hertford, confirms Lord Clarendon's account of the transaction. In about a fortnight after Lord Hertford's appointment the King gave a marked proof, by the terms in which the patent of the Marquisate was worded, that the long existing jealousy towards the Seymours had subsided.

[1] Journals of the House of Lords, vol. iv. p. 260. " This day the " Lord Marquis of Hertford was introduced between the Lord Marquis " of Winton and the Earl of Essex, all in their robes; the Lord Great " Chamberlain, the Earl Marshal, and Garter going before; and having " delivered his patent of creation, dated 3 die Junii, 1641, 17 Caroli Regis, " upon his knee, unto the Speaker, who delivered it to the clerk to be " read; which being done, he was brought and placed next below the " Lord Marquis of Winton."

Lord Clarendon has antedated Lord Hertford's promotion, and in his account of the conversation at Piccadilly with Lord Essex (vide p. 413) says Lord Hertford was that day made a Marquis. That conversation took place on the 26th of April; and though it is possible the King's intentions were then made known to Lord Hertford, the patent was not dated till the 3rd of June.

The King's reasons for bestowing upon Lord Hertford this honour are stated in the instrument by which it was conferred.[1] His many virtues and good qualities are there recited, his loyalty acknowledged, his illustrious lineage alluded to, and even his relationship to the Crown admitted. By the terms of this patent the disputed legitimacy of his father is virtually conceded, inasmuch as he is designated by his title Edward Lord Beauchamp, and described as son and heir of Edward late Earl of Hertford.[2] In the recognition of relationship expressed by the words "allied to us in blood," it is clear that Lord Hertford's descent from Lady Catherine Grey must have been referred to, for his relationship to Charles by marriage,[3] though so much nearer in degree, was not by blood. The allusion must be viewed as a very gracious contrast to the manner in which that connexion had been treated by Elizabeth and James, and indeed by Charles himself, who seems up to this period to have shared in the prejudices of his predecessors against the House of Seymour. The selection of Lord Hertford as governor of the Prince of Wales appears to have been peculiarly acceptable to all parties. His appointment was suggested by his predecessor, the Marquis of Newcastle, as the fittest person

[1] See Appendix II.

[2] To this increase of honour there is added some accession of fortune, but yet so inconsiderable, that, except for the sake of adhering to some established custom, there appears no good reason for advancing it. An annual stipend of 30*l.* is ordered to be paid out of the ports of London; and the patent concludes by dispensing with the ceremonies of investiture and the fees which the Hanaper Office exact upon the occasion.

[3] Lady Arabella Stuart was first-cousin once removed to the King.

to succeed him in that trust; it was warmly approved of and sanctioned by Parliament, and the King hastened to mark that it was agreeable to his feelings by thus raising him in the peerage.

The long-talked-of plan of filling other important offices with the leaders of the Parliamentary party continued still in question till immediately before the King's departure for Scotland; and Lord Mandeville, Mr. Hampden, Mr. Pym, and Mr. Denzil Hollis were named as likely to take a prominent part in the administration of affairs. This project, to which the King was said to have been originally favourable as a means of averting extreme proceedings against Lord Strafford, would doubtless, after that time, have been little agreeable to his feelings; but the following extract from a letter, dated July 15, 1641, of Sir Edward Nicholas[1] would rather imply that difficulties might also have arisen from differences amongst themselves. "The speech "is, that Mr. Hollis or Mr. John Hampden shall be "Secretary of State, but the Lord Mandeville doth "now again put hard for that place."[2] On the 29th of July Sir Edward Nicholas again alludes to the proposed arrangement without Lord Mandeville's name being included, and from what cause it was finally given

[1] Letter of Sir Edward Nicholas to Admiral Sir John Pennington, dated Westminster, 15th July, 1641. State Paper Office (Domestic).

[2] "It is here said that we shall, shortly before the King's departure, have "a great change and addition of officers at Court; as that the Lord Saye "shall be made Lord Treasurer, the Lord Newburg Master of the Wards, "Mr. John Hampden Chancellor of the Duchy, Mr. Pym Chancellor of "the Exchequer, Mr. Denzil Hollis Principal Secretary of State, and "that the Earl of Bath and Lord Brooke shall be sworn of his Majesty's "most honourable Privy Council."—Sir Edward Nicholas to Sir John

up does not transpire: it is, at any rate, probable that the King was well pleased to avoid an arrangement so little consonant with the principles upon which he thought statesmen were entitled to the confidence of the Crown.

It would need more than human wisdom to pronounce with any certainty on what might have been the consequences of these distinguished Parliamentary leaders having been called into power by the King; but it is obvious that, if to the ascendancy of the popular party had been joined the responsibility of government, men possessed of powerful minds, of much practical wisdom, and honesty of purpose, would have been employed in strengthening the monarchy, by the power of reforming abuses being placed in their hands, instead of being forced into leading attacks that risked its existence. Hampden attended the King to Scotland, not as one of his Secretaries of State, but as one of the Commissioners whom his biographer describes as nominally deputed "to treat with the Scots concerning the ratification "of the treaty, and to obtain security for the debt "due from them to the northern counties of England, "but really to thwart the King's negotiations with the "Covenanters, and to report upon them to the Par-"liament."[1]

On the 10th of August the King set out on his journey to Scotland, having signed the commission for ap-

Pennington, 29th July, 1641: State Paper Office. Sir John Pennington was a distinguished naval officer, and appointed by the King to the command of the fleet.

[1] Lord Nugent's 'Memorials of Hampden,' vol. ii. p. 91.

pointing the Lord Keeper, the Lord Privy Seal, the Marquis of Hertford, the Earls of Lindsay, Essex, Bath, and Dorset as commissioners for passing bills during his absence.

The Prince of Wales was by the King's own order now appointed to have a residence separate from the royal palace. The charge and custody of the Prince's person, as well as the entire control of his household, was intrusted by the King's letters patent under the Great Seal to the Marquis of Hertford,[1] and Richmond was

[1] "Charles, by the Grace of God, King of *England, Scotland, France,* "and *Ireland,* Defender of the Faith, &c. To our right trusty and "right well-beloved cousin and counsellor, *William* Marquis of *Hert-* "*ford,* greeting.

"We have found it convenient, for the better education of Prince "*Charles* our son, to remove him out of our own house, and place him in a "house apart, where he may have better commodity to attend as well to his "studies as to recreations for his health, and so to be continued for a time. "And for the good proof we have long had of your singular affection to our "person, and for the trust we repose in you, as well in regard of your zeal "to religion as also for your discretion, we have made choice of you to "have the principal charge and custody as well of the person of our said "son as also the oversight of all his household and family attending him, "who being to us so great a jewel as he is, the charge likewise is of great "weight and care to you, wherefore we have thought good to accompany "so great a burden with sufficient authority to you for the execution "and discharge thereof; and do therefore direct these our letters patents "to you under our Great Seal of *England,* whereby we do give you power "and authority, for the better execution of this charge committed to you, "to command, rule, and direct, as well all persons which shall be of "ordinary attendance about our son the Prince in his house, in all things "that may concern the safety of his person or the observation of good "rule in his house, as also all justices of peace, mayors, bailiffs, head- "boroughs, constables, and all other our officers and ministers, in places "next adjoining to the house wheresoever for the time where our said "son happen to be, to be aiding and assisting to you in all things con- "cerning this your charge, and namely in visiting of houses in towns and "villages next to the place of abode of our said son, to discover infection "of sickness, or any lewd or suspected persons that shall presume to

selected as his place of abode. The Queen, with the rest of her children, were at this time resident at Oatlands; she was there surrounded as usual by those of her own religion, and the powerful influence they exercised over her opinions and conduct was a fact notorious to the country.

After a short recess Parliament had reassembled on the 20th of October, and the suspicion with which they viewed even the visits of the Prince of Wales to his mother was speedily evinced by their interference on the subject.

On the 30th of October a conference by a committee of both Houses was demanded by the Commons touching the security of the Prince's person.[1] The result of this conference was thus reported by the Lord Keeper to the House of Lords:—

"That the House of Commons are full of tenderness of the King's honour, duty to the King's person and his posterity; it was said that it was not news now-a-days to hear of dangerous designs, they having newly discovered some more; therefore the House of Commons have reason to look into every corner whence danger may come. And upon information the House of Commons understands that the Prince of late hath been much from his own house, at Oatlands, out of the custody of

"haunt near to his said abode; wherefore we will and command all jus-
"tices of peace, mayors, sheriffs, bailiffs, headboroughs, constables, and
"all other our officers and ministers whatsoever, to be ready and obedient
"to all your directions from time to time as you shall have occasion to
"require their aid and assistance, and therefore not to fail, as they will
"answer the contrary at their perils.

"In witness, &c., witness ourself at *Westminster*, the tenth day of *August*.

[1] Lords' Journals, vol. iv. p. 411.

his governor. They do not doubt of the motherly care and affection of the Queen towards him; but there are dangerous persons at Oatlands, priests and Jesuits, as hath of late appeared by some examinations taken; and some of them are sent for by the House of Commons."

The House of Commons therefore desired—

"that a message be sent to the Lord Marquis of Hertford from both Houses of Parliament, that he should forthwith take the Prince into his custody and charge and attend upon him in person; and desire that the Prince may make his ordinary abode and residence at his own house at Richmond, and that his Lordship will place such persons about him as he will be answerable for to both Houses."[1]

The House immediately resolved to send the Lord Chamberlain to the Marquis of Hertford, and the Earl of Holland to the Queen, to inform them of the report of this conference. A committee was appointed to draw up in writing the messages that were to be sent; the draught was approved by the House of Commons, and the messages accordingly delivered.

Lord Hertford was informed that—

"The desire of both Houses of Parliament is, that my Lord Marquis, governor to the Prince, will take into his care that the Prince's ordinary stay and abode be at his own house; and that no such persons as may give either cause of distrust of meddling with him, either in any point against his religion or against the security of his person, be admitted about him; and to this purpose that the said Marquis do diligently attend him in person; and this care both Houses expect of my Lord Marquis, as he will be answerable to the King and kingdom."[2]

[1] Lords' Journals, vol. iv. p. 412. [2] Ibid.

On the 2nd of November the Lord Chamberlain delivered to the Lords Lord Hertford's answer to this message,[1] saying—

"That he was ready to perform the order of both Houses, and that the reason why he waited not on the Prince at Oatlands was because there was no room for him to lie there."

Lord Holland's account of what he had delivered to the Queen was to this effect:—"That he had acquainted "her Majesty with the reasons why the Houses desired "the Prince might reside at his own house, under the "charge of the Lord Marquis of Hertford: one was, "because he loses his time of learning in being absent "from his tutor; and being at Oatlands it was appre- "hended some ill affected in religion there might have "some design upon him; likewise there being lately "discovery of divers treasons against the kingdom and "the public peace thereof, therefore both Houses desire "that the security of the Prince might be provided for; "to that end, both Houses have ordered that he reside "at his own house, where he may have the Lord Mar- "quis of Hertford to be continually with him, and his "servants constantly about him to take care of his secu- "rity and education."

To this message from Parliament the Queen addressed the following reply to Lord Holland:—

"That she returned thanks to both Houses of Parliament for their care of the religion and safety of her son; and she is very well pleased with the order made by both Houses for the Prince residing at his own house; and before his Lordship came to the Queen with the message, her Majesty had given

[1] Lords' Journals, vol. iv, p. 419.

order to the Lord Marquis of Hertford for the Prince's removal from Oatlands to Richmond."[1]

The report made by Mr. Whitelock and Sir Thomas Widdington of the conference with the Lords concerning the messages to the Queen and to Lord Hertford[2] furnishes a more detailed account of all that passed than does the report made to the Lords; it appears that Lord Hertford stated, in defence of his care of the Prince, that he went from Richmond "to Oatlands and "stayed there all day," though the want of room for his accommodation obliged him to return at night to Richmond. Lord Holland also informed the Queen "that it was not the intention of the Houses of Parlia- "ment that the Prince should not at all wait upon her "Majesty, but might come when her Majesty was "desirous to see him; but yet that his place of residence "might be at Richmond, for otherwise his governor "could not take that charge over him as was required "by the Parliament."

The Queen stated in her answer that the occasion of her sending for the Prince was to celebrate the birthday of one of his sisters;[3] with thanks to the Parliament for their care of her son, she promised he should be sent back to Richmond, and added "she did make no doubt

[1] Lords' Journals, vol. iv. p. 419.

[2] Journals of the House of Commons, vol. ii. p. 303.

[3] The precise day on which the Prince went to Oatlands does not appear. The conference with the Lords on this subject was demanded by the Commons on the 30th. It is to be presumed, therefore, that the Prince must have been there some few days before that time; and as the birthday of the Princess of Orange—the only one of his sisters born in November—was on the 4th of November, it would certainly appear to have been intended to make a celebration of most unwonted length for a birthday.

"but upon the King's return the Parliament will ex- "press the like care both of the King's honour and "safety."

Sir Edward Nicholas, in his letter to the King, dated November 1, 1641,[1] thus speaks of the message from Parliament to the Queen and her reply:—

"I have enclosed sent your Majesty the copy of an order of the Parliament concerning their abundant care of the Prince's highness's safety and education: the reasons thereof were delivered yesterday at Oatlands by my Lord of Holland to the Queen, who (I hear) gave a very wise and discreet answer to the same, as (I believe) her own pen will very speedily acquaint your Majesty."

It is clear by this notice of the message from Parliament that Sir Edward Nicholas did not mean to express any disapprobation of their conduct, and that he believed the Queen had made a wise and discreet reply; but though on the whole her answer was conciliatory, it is difficult to read the concluding sentence referring to the King in any other sense than as a taunt, which would have been neither wise nor discreet.

By what circumstance the Parliament had acquired

[1] Sir Edward Nicholas's Correspondence; vol. v. pp. 74-5, of Evelyn's Memoirs.

During the absence of the King Sir Edward Nicholas had obtained leave to reside at his own house at Thorpe in Surrey, on the ground of the sickness and small-pox continuing very rife in London and Westminster. This place was near enough to Oatlands to admit of his visiting the Queen once a-day or once in two days, and to be at Westminster twice a-week to attend "what shall be done there by the committees." Sir Edward Nicholas's place, now known by the name of West Horsley Place, is in the present occupation of Henry Currie, Esq., M.P. Much of the old house remains; and it contains an interesting collection of family portraits, and of distinguished persons of the Royalist party.

the right of such direct interference in the domestic arrangements of the King's family does not appear; but the reasons on which they grounded their interference corresponded so well with those set forth by the King for placing in Lord Hertford's hands the custody of his son's person and household, there was such unhesitating submission on the part of the Queen to their dictation, and such willing explanation of his conduct afforded by Lord Hertford, as to raise a strong presumption that Parliament had acquired the right of interference, and that the terms of Lord Hertford's appointment were so understood and recognised by the Court, by the Parliament, and by Lord Hertford himself. Nor if Parliament were entitled to interfere can it be deemed an improper use of that power that it should have been exercised to compel the exact fulfilment of the King's intentions respecting his son, when by his absence from the country a dangerous facility was afforded to evade his commands.

It has often been said that the Queen was betrayed by those whom she trusted with the confidence of friends.[1] Such treachery towards her was indefensible; but as it is not alleged that the information was false with which those friends furnished her enemies, it may be supposed that on this occasion, as on others, certain Parliamentary leaders obtained the knowledge of circumstances which justified their mistrust of the Queen respecting the Prince; they might have learnt

[1] The intimacy of Lady Carlisle with Pym, and others of that party, was supposed to have been the means of betraying the intentions of the Court to its enemies.

that, so far from adhering to the neutrality to which she was bound respecting the religion of her children, she had already secretly endeavoured to warp the early feelings of the Princess Mary to her own religion, by giving her a crucifix and a rosary, and by clandestine instructions as to their use.[1] Such occurrences gave reason to fear that in the absence of the King she would not scruple to use similar endeavours to influence the mind of her eldest son.

The account given by the Queen of the interference of Parliament respecting the Prince's visits is worth citing as a sample by which to judge how much reliance is to be placed on the correctness of her description of events, when written, not only some time after their occurrence, but with the exaggerations suggested by her bitter recollections of the past.

"Il (le Roi) partit au mois de Mai ou de Juin,[2] et laissa la Reine à Londres, qui partit aussitôt pour aller à Otland, une de leurs maisons, et mena ses enfans avec elle. Les Parlementaires, quelque temps après, voulurent *les* lui ôter.[3] Ils lui mandèrent *qu'il serait bon qu'elle les mit entre leurs mains pendant l'absence du Roi*,[4] parcequ'ils n'apprenoient rien auprès d'elle, et qu'ils craignoient qu'elle ne les fît papistes. La Reine répondit qu'ils se trompoient; que les Princes avoient des maîtres et gouverneurs, et qu'elle ne les feroit point papistes, puisqu'elle

[1] MS. Journal of Père Cyprien Gamache, one of the Queen's Capucins at Somerset House; quoted by Miss Strickland, 'Lives of the Queens of England,' vol. viii. p. 85.

[2] This is incorrect; he left London the 10th of August.

[3] There never seems to have been any question of taking away from her *any* of her children, or of the separate residence of any but the Prince of Wales.

[4] She was only required not to interfere with the King's own arrangements respecting the Prince.

savoit bien que ce n'était pas la volonté du Roi qu'ils le fussent.[1] Mais, pour éviter leur insolence, elle fut contrainte de les envoyer à une autre maison voisine de celle-là, pour leur montrer qu'elle ne les tenoit pas toujours avec elle; d'où ils la venoient voir quelquefois."[2]

The King's departure from England had been distasteful to Parliament, and he had been addressed, though in vain, to delay his journey, but his protracted stay in Scotland became more agreeable to his enemies than to those who were faithful to his service.

Sir Edward Nicholas frequently and earnestly urged his return. He told him "that those who wished best "to his service thought his Majesty should hasten to be "here as soon as possible before the 20th of October."[3] Again, that nothing could break the design of his enemies but his presence. And an account of what had passed one day in council was added to other arguments to hasten his return.

Sir Edward Nicholas had received a letter from Mr. Treasurer (Sir Harry Vane), in which he expressed a hope that the Parliament of England would interpose and hasten the King's return. "I observed," says Sir Edward Nicholas, "at the Council Board, when "Marquis Hertford moved their Lordships to con-"sider whether it might not be fit to move the Parlia-"ment here to that purpose, most of the rest of the "Board declined it."[4] The reason assigned was a point of etiquette, as the letter was not written to the Board

[1] This is not the answer entered in the Journals.
[2] Madame de Motteville, vol. i. p. 263.
[3] Correspondence of Sir E. Nicholas: Evelyn, Memoirs, vol. v. p. 38.
[4] Ibid., p. 71.

but to Sir Edward Nicholas, and that it had been left to his choice whether to communicate it or no—"whereby," he adds, "I observe that every one of "your Majesty's Privy Council is not fond of your "speedy return hither. Your Majesty can best make "judgment by their carriages how much it imports you "to hasten hither."[1]

This marks not only that Lord Hertford was amongst those who were true to the interests of his absent sovereign, but bears out Lord Clarendon's animadversions on the want of good faith with which many of the Privy Council acted towards the King.[2]

[1] Correspondence of Sir Edward Nicholas: Evelyn, Mem., vol. v. p. 71.

[2] The King was so satisfied with the loyalty and diligence of Mr. Secretary Nicholas, that on the 26th of November he conferred upon him the honour of knighthood at Whitehall.—Ibid., p. 111. Note to Sir Edward Nicholas's last letter of this period.

CHAPTER IX.

The King returns to Theobalds.—He makes a public entry into the City.—The King takes the Prince to Hampton Court.—The Parliament remonstrate against his removal from the care of Lord Hertford.—The King's answer.—The Prince is sent back to Lord Hertford.—The King desires that the Prince should meet him at Greenwich.—The Parliament again remonstrate.—Fear of the Prince's removal out of the Kingdom.—Deputation of the two Houses to the King.—Lord Hertford brings the Prince to Greenwich.—The King's answer to the two Houses.—Lord Hertford leaves the Prince in the King's custody.—He ceases to co-operate with the popular party.

IT was not till the 25th of November that the King returned to Theobalds. He was there met by the Queen and his children, and the following day[1] was

[1] Nov. 25th, 1641. That morning his Majesty came from Theobalds by coach, with the Queen, the Prince, the Duke of York, the Princess Mary, the Count Palatine of the Rhine, the Duke of Richmond and Lenox; the Marquis Hamilton, Master of the Horse; the Earl of Essex, Lord Chamberlain of his Majesty's Household; and some other lords attending his Highness. At Stamford Hill the Sheriffs of London and Middlesex met him with seventy-two men suited in scarlet cloaks, having hats and feathers, with javelins, attending him to Kingsland, at which place a way was purposely made through the fields unto Moorgate, the banks being cut down, and bridges with planks set up, for the better passage. At the entrance into the first field was the Lord Mayor's tent set up, wherein were placed divers forms and seats, on which the nobility, with the Lord Mayor and aldermen, that waited his Majesty's coming, reposed themselves. About the hour of eleven his Majesty came, sitting on the right side of the coach, the Queen on his right hand; the Prince, the Duke of York, and Princess Mary within the coach, and the Count Palatine and Duchess of Richmond sitting on the other side. When his Majesty came against the tent he caused the coach to be stayed, and the nobility then came presenting themselves before him on their knees, joying his happy return, kissed his hand and the Queen's; and then the Lord Mayor delivered up to his Majesty, first the City sword, and then the City sceptre, which his Majesty, having received, re-delivered to the Lord Mayor.—Rushworth's 'Coll.,' vol. iv. p. 429.

fixed for his public entry into the city. At Stamford Hill he was met by the Sheriffs of London and Middlesex, who accompanied him so far as Kingsland, from which place to Moorgate a way had been expressly prepared for the occasion. At Kingsland the King alighted from his carriage, and was there received by the Lord Mayor in a tent erected for that purpose. After the performance of certain ceremonies, delivery of addresses and answers, the King mounted his horse, and the procession was formed in order for his public entrance with the Lord Mayor into the city of London. Immediately after the Lord Mayor, and preceding the King, rode abreast the Lord Chamberlain, the Marquis of Hertford, bearing the Sword of State, and the Earl Marshal.

The burst of loyalty with which the King was received on this occasion doubtless contributed greatly to deceive him as to his real position with his subjects. The acclamations of a populace, to whom a holiday is a gratification and a pageant an excitement, proved no safe criterion of the deeper feelings of the nation as exhibited by their representatives in Parliament. Public receptions and popular acclamations are doubtless amongst the most acceptable tributes that a people can offer to a sovereign, a hero, or a patriot; but from the value of these testimonials a large deduction must be made for the influence of those extraneous circumstances that generally attend such exhibitions. Without reference to any peculiar claims to admiration or gratitude in the object of applause, idle curiosity, the interest of mere novelty, the attraction of splendour, the love of a show,

or the gregarious tendency of mankind to go where others go, soon swells the gathering crowds into still closer masses, till a dense multitude of human beings stand collected and ready to be wrought upon by that mysterious influence of sympathy which so powerfully affects all who are brought together for a common purpose, or who act together for a common cause.

The exhilaration which follows from an interruption to daily toil or routine of business, the excitement of nerves which expectation creates, the consciousness that all around are feeling, and thinking, and speaking on the same subject, stimulate the interest of each individual in the scene about to be enacted. The moment comes for which they have long waited, feverish expectation is at once changed into certainty, the first cheer falls as an electric spark on a well-charged battery, the enthusiasm of each man is echoed by the voice of his neighbour, the influence of popular excitement spreads with irresistible force, and the air rings with the full chorus of an applauding multitude. The idle spectator, the mere holiday-maker, the least loyal of subjects, or the coldest of patriots, may thus through the influence of sympathy find himself actively contributing to a demonstration of feeling to which neither his habits nor even opinions would have otherwise led him.

The fickleness of the people has been a favourite theme of censure in all ages; but this apparent fickleness arises far more from the power of large congregations thus to act upon themselves, in creating and stimulating temporary feelings of enthusiastic approbation or clamorous resentment, than from peculiar prone-

ness in any given class to instability of opinion or sentiment. The error and the danger rest with those who accept such ebullitions of feverish excitement as the result of fixed and deliberate principles. At the very time of the King's visit to the city, when, as Rushworth says, "all the way his Majesty rid were infinite acclamations of joy by shouting and other expressions, the "streets and windows thronged with people,"[1] the House of Commons had just carried their famous "Petition and Remonstrance on the state of the kingdom,"[2] with which they intended to greet the King's return to England, and which was actually presented to him at Hampton Court five days after his brilliant reception in the city. A few weeks later (January, 1641-2), after Charles's ill-starred invasion of the House of Commons, it was to the city that the five members repaired for security and concealment; it was to the city that the House of Commons adjourned for safety; and such were the feelings by that time entertained towards the Court, which Lord Clarendon avows to have been then "reduced to a lower condition and to "more disesteem and neglect than ever it had been "before,[3] that the shops of the city generally shut up, "as if an enemy were at their gates ready to enter and "to plunder them; and the people in all places at a

[1] "And all the way as their Majesties passed along, the streets re-"sounded again with the loud and joyful acclamations of the people, "crying, 'God bless and long live King Charles and Queen Mary!' and "their Majesties reciprocally and heartily blessing and thanking the "people, with all the expressions of satisfaction imaginable."—Vide Nalson's 'Coll.,' vol. ii. p. 679.

[2] See 'Life of Lord Falkland,' vol. i. pp. 82-6.

[3] Hist. of the Rebellion, vol. ii. p. 160.

"gaze, as if they looked only for directions, and were "then disposed to any undertaking."[1] On the 11th of January the members were brought back from the city in triumph to Westminster, and the King found it prudent to retire the evening before to Hampton Court, taking with him the Queen and the royal children, the Prince of Wales included.

The King had dispensed with Lord Hertford's attendance on the occasion. The House of Commons resented the Prince of Wales being withdrawn from the immediate eye of his governor, and within four days (on the 14th) the following resolutions were carried, and sent up to the Lords for their concurrence:—

"That the Lords be moved to join with this House to enjoin

[1] Ibid. An instance of the kindly interference of Lord Hertford and Lord Manchester in behalf of those who were threatened with violence is thus recounted by Bishop Hall, in detailing the events of the 28th of December, when the Bishops were threatened by the mob collected round the Houses of Parliament. (Above, vol. i. p. 75.)—"It now grew to be "torchlight. One of the Lords, the Marquis of Hertford, came up to the "Bishops' form, told us we were in great danger, advised us to take some "course for our safety, and, being desired to tell us what he thought was "the best way, counselled us to continue in the Parliament House all that "night; 'for (saith he) these people vow they will watch you at your "going out, and will search every coach for you with torches, so as you "cannot escape.' Hereupon the House of Lords was moved for some order "for preventing their mutinous and riotous meeting. Messages were sent "down to the House of Commons to this purpose more than ever. No-"thing was effected, but for the present (for all the danger was at the "rising of the House) it was earnestly desired of the lord that some care "might be taken for our safety. The motion was received by some lords "with a smile; some other lords, as the Earl of Manchester, undertook "the protection of the Archbishop of York and his company (whose "shelter I went under) to their lodgings."—Bishop Hall's 'Hard Measure,' Works, vol. iii. p. 21.

the Marquis Hertford (appointed by his Majesty to be governor to the Prince), as he will answer the breach of that trust, that doth so immediately concern the present and future peace and safety of the three kingdoms, forthwith to repair to the Prince, and, according to the duty of his place, to take care of him, and to give his personal attendance on his Highness, and to be very watchful to prevent that he be not carried out of the kingdom; and the House of Commons doth further declare (and desire the Lords will do the like) that whatsoever person shall be advising or assistant to the conveying of the Prince out of the kingdom, or attend his Highness in his journey, shall be declared and reputed a public enemy to the Protestant religion and the peace and safety of the three kingdoms. It is further ordered, that the Lords be likewise moved to join with the House of Commons in an humble desire to his Majesty that he will not, for any cause whatsoever, permit the Prince to be conveyed out of the kingdom without the humble advice and consent of the Parliament."[1]

The Lords concurred with these resolutions; Lord Hertford, being present, then rose and informed the House "that when the King went to Hampton Court "he demanded the Prince of him, and took him away "with him in his coach in the afternoon; and his "Majesty commanded his Lordship to stay here: there- "fore his Lordship desired this House would require "no more of him than he is able to perform; and as "far as in him lay he would obey their Lordships' "command to attend the Prince; and if there be cause "of fear, as the Parliament apprehend, he will give "advice thereof to the Parliament."[2]

[1] Lords' Journals, vol. iv. p. 513.

[2] A committee, consisting of the Duke of Richmond, Earl of Bath, Earl of Warwick, Lord Wharton, Lord Roberts, was appointed "to

Upon what grounds the apprehensions were founded that the Prince was to be conveyed out of the kingdom does not appear; but without such strong evidence of that intention as could have been adduced to account for this direct interference with the rights of the King, both as a sovereign and as a father, it is impossible not to share in "the wonder" which he afterwards expressed at such an order having been made by Parliament.

Lord Hertford's appointment as guardian of the Prince's person immediately before the King's departure for Scotland might well afford a plea for Parliament to interfere when that superintendence was thought in danger of being set aside by the Queen. But the Parliament could never have reasonably expected, nor the King have intended, that the appointment of Lord Hertford was to supersede his paternal right to claim possession of his own child.

The King remained only two nights at Hampton Court, and on the 12th of January proceeded to Windsor. From thence he addressed the following message to the Lords, in which he repelled with natural indignation their plea of interference.[1] "His Majesty hath "seen the order of the Lords, upon the motion of the "Commons, given to the Marquis of Hertford, con-

"draw up and present to the House instructions fit to be given to the "Marquis of Hertford, that he might acquaint the King with the desires "of both Houses, and what order should be given to the Lord Marquis for "his attendance upon the Prince his Highness."—Lords' Journals, vol. iv. p. 513.

[1] The message was delivered by the Lord Keeper, Edward Lord Littleton.

"cerning his care in attendance upon the Prince, not "without wonder that his Parliament should make such "an order, which can hardly be otherwise understood "but as if there had been a design of sending the "Prince out of the kingdom, which must necessarily "have reflection upon his Majesty, the Prince being "now in the same place with him. And his Majesty "hath showed himself both so good a father and a "King, that he thinks it strange that any should have "such a thought as that he would permit that the "Prince should be carried out of the kingdom, or that "any durst give him that counsel."[1]

The King retained the Prince, and on the 7th of February the Marquis of Hertford was commanded to signify to the House of Lords that, "whereas a report "was that the Prince was to go out of this kingdom, "his Majesty (being to take a journey to bring the "Queen on her journey) hath given order that the "Prince shall come on Wednesday next to Hampton "Court; and then his Majesty would deliver the "Prince into his Lordship's hands, and would require "him at his hands when his Majesty returns again."[2]

This message was calculated at once to quell any alarm of the Prince leaving the country with the Queen, and at the same time to assert the King's right to require the possession of his son at his own pleasure.

On the 10th of February the King set out on his journey to Dover, where the Queen was to embark for Holland with her daughter the Princess of Orange. The Prince of Wales was at the same time sent to

[1] Lords' Journals, vol. iv. p. 522. [2] Ibid., p. 566.

Richmond under the care of the Marquis of Hertford. The journey to Dover was performed slowly, and the weather did not permit of the Queen's embarking till the 23rd. So soon as the wind bid fair for her passage the King sent an express to Richmond, desiring that the Prince should meet him on his return at Greenwich the Saturday following.[1]

On the receipt of the King's commands Lord Hertford sent a message by the Lord Chamberlain to the House of Lords, who accordingly delivered it the next day (the 24th) in these terms:—

"That whereas the Lord Marquis of Hertford, governor to the Prince his Highness, was commanded by both Houses of Parliament to take charge of the Prince, and not to be absent from him, the King last night sent an order to the Lord Marquis that the Prince should speedily be removed to Greenwich; and because the Lord Marquis of Hertford is so indisposed in his health that he is not able to go with his Highness and perform the trust that is laid upon him, he thought fit the Parliament should be made acquainted therewith."[2]

This explanation from Lord Hertford, stating the reasons why he was unable to obey the commands of Parliament, showed again that he recognised their right to require his attendance on the Prince.

Lord Hertford's message was made the subject of a conference with the Commons, and the two Houses agreed to an order—"That the Lord Marquis of Hert-
"ford take care that the Prince be not removed from
"Hampton Court, until his Lordship's health permit

[1] Life of Earl of Clarendon, vol. i. p. 103.
[2] Lords' Journals, vol. iv. p. 608.

" him to attend that charge given to him by his Majesty " and the Parliament."[1]

The following reasons why the Prince should remain at Hampton Court were then drawn up and agreed to by both Houses:—

" 1. The Lords and Commons conceive his Majesty hath resolved the Prince should stay at Hampton Court until his Majesty's return.

" 2. That the Lord Marquis of Hertford, appointed by his Majesty to be governor of the Prince, and approved and commanded by the Parliament to give his personal attendance on the Prince, is now so indisposed in his health, that he is not able to attend the Prince to any other place.

" 3. That the Prince's removal at this time from Hampton Court may be a cause to promote jealousies and fears in the hearts of his Majesty's good subjects, which they conceive very necessary to avoid."[2]

Lord Howard of Charleton, with certain members of the House of Commons, were ordered to attend the King and present him with these reasons against the execution of his own orders.

On the afternoon of the same day a second message was sent by Lord Hertford, and delivered by Lord Seymour, to the House of Lords, repeating the commands he had received that morning from the King respecting the Prince's removal to Greenwich the following day (Friday), and his Majesty's intention to meet him there on Saturday; adding, " the Lord Marquis hopes " to be able to attend upon the Prince himself, else he " will not let his Highness go out of his custody."[3]

[1] Lords' Journals, vol. iv. p. 608. [2] Ibid.

[3] Ibid., p. 610.—Lord Hertford's answer to the order of both Houses

This declaration of Lord Hertford's that he would not let the Prince go out of his custody shows that he regarded himself strictly bound by the commands of Parliament not to depute his charge to any other person; but that Lord Hertford did not apply this restriction to the King's paternal right himself to take possession of his son he had already proved, both by his conduct, and by his explanation to the House of Lords concerning the Prince's accompanying his father to Hampton Court.[1]

The House of Lords on that day agreed that the Prince should go to Greenwich if Lord Hertford was able to accompany him. But two days later the House of Commons, not satisfied with the amount of control that Parliament had already exercised in the custody and disposal of the Prince, sent the following message to the Lords the very day (Saturday, the 26th) appointed by the King for his son to meet him at Greenwich:—

"That they are informed that, by the King's appointment, the Prince is removed from Hampton Court to Greenwich, and that the Lord Marquis of Hertford is with him; but they understand that there is an intention that his Highness should go further; therefore the House of Commons desire that some members of both Houses be presently sent to Greenwich to let the Lord Marquis of Hertford know, or whosoever

concerning the Prince, as delivered by Lord Essex, and reported in a conference, is thus entered in the Commons' Journals, vol. ii. p. 456: "that the intention never was that the Prince should be removed from Hampton Court until his Lordship's health would give him leave to wait upon him in person, neither shall he."

[1] Vide p. 458.

"hath the custody of him, that the Prince be brought "back to Whitehall forthwith."[1] The Lords took the message into consideration, and, agreeing to its terms, ordered Lord Newport and Lord Seymour to join the members appointed by the Commons to repair immediately to Greenwich, and if the King was not there, or so certain of being there that night "as they would be "answerable for to the House," that Lord Hertford should bring the Prince to Whitehall at once, or, if too much indisposed in his health to attend the Prince in person, that the Earl of Newport and the Lord Seymour should bring the Prince with them to Whitehall.[2]

This implied mistrust of even Lord Hertford's vigilance being sufficient for the security of the Prince, without as it were bringing him within the immediate custody of Parliament, appears to have been occasioned by certain information given to the House of Commons by one of its members.

"There was one Griffith," says Lord Clarendon, "a "young Welshman, of no parts or reputation, but for "eminent licence; this youth had long, with great "boldness, followed the Court, and pretended to pre- "ferment there; and so in the House had always op- "posed, as far as not consenting, all the undutiful acts "towards the King, and upon this stock of merit had "pressed more confidently for a reward; and when the "Queen was ready to take shipping at Dover for "Holland he barefaced importuned her to mediate to "the King that he 'might be forthwith admitted of "the Prince's bedchamber;' the which her Majesty

[1] Lords' Journals, vol. iv. p. 614. [2] Ibid.

" refusing, he told his companions ' that, since he could " not render himself considerable by doing the King " service, he would be considerable by doing him dis- " service,' and so made haste to London, and openly in " the House told them (the same day that the Prince " was to go to Greenwich) ' that if they were not " exactly careful they would speedily lose the Prince, " for to his knowledge there was a design and resolu- " tion immediately to carry him into France.' "[1]

Perhaps Lord Clarendon may have pretended to too accurate a knowledge of the motives which influenced the conduct of Griffith, but he could not be mistaken as to his being the person who informed the House of the supposed danger of the Prince being carried into France, or as to the information which induced Parliament to adopt so peremptory a course respecting his return to Whitehall.

The deputation, consisting of Lord Howard of Charlton and two Commoners,[2] who were appointed to hear the "*reasons*" against the Prince's removal from Hampton Court, met the King at Canterbury, and there read to him the message from Parliament.[3] The King

[1] Lord Clarendon adds,—" From which senseless and groundless in- " formation he was taken into favour ; and, his malice supplying the defect " of other parts, was thenceforth taken into trust, and used as their bravo, " to justify all their excesses in taverns and ordinaries."—Hist. of the Rebellion, vol. ii. p. 263.

[2] Ibid., p. 262.

[3] Lord Clarendon gives the following account of the manner in which he was pressed into this service against his inclination :—" Mr. Hyde coming " accidentally into the House when the matter was in debate, they appointed " him to be one of the messengers, which no excuses could free him from, " for they did not intend it as a favour to him ; so that they were obliged " presently to begin their journey, and that night they went to Gravesend.

did not conceal his dissatisfaction, and appointed the deputation to attend him after supper to receive his answer. In the evening the King caused his answer to be read and delivered to Lord Howard of Charlton. It was his own unaided composition, and written under feelings of bitter irritation at the purport of the message and at hearing that his commands to his son had been countermanded by an authority to which he could not be expected to yield. That an answer written under such feelings should have been neither temperate nor judicious was only natural; but Mr. Hyde, whose sympathy was certainly on this occasion not with those who sent him, but with the King, foresaw at once the danger of his giving an advantage to his enemies by making any false step: he sought a private interview, and was introduced by the back stairs into the bedchamber where the King was preparing for rest.[1] He spoke in the plainest terms to the King, regretted his Majesty had expressed so much "displeasure in his answer, "which could produce no good, and might do hurt, and "urged him to call for it and alter some expressions." The King was too much incensed to listen at first to such prudent counsel, dwelt upon the insolence of the message to himself and the order to Lord Hertford, and was the more irritated from the apprehension that his

"The next day they were fully informed of the Queen's being gone to sea, "and that the King would be that night at Canterbury, whither the "messengers made what haste they could, and found his Majesty there "with a very little Court, most of his servants having leave to go before "to London, the better to provide themselves for a farther journey."—Life of Earl of Clarendon, vol. i. p. 104.

[1] Ibid., p. 105.

son would not be allowed to meet him at Greenwich. Mr. Hyde told him he believed the Prince would be there as soon as his Majesty; represented to him that, as his answer could not be reported to Parliament till the Monday morning, he might appoint the Parliamentary messengers to meet him at Greenwich on Sunday, when all doubt would be cleared as to the Prince being there, and when, by sending for Lord Falkland and Sir J. Culpepper, he would have their advice upon the answer to be given. Mr. Hyde prevailed; the paper was demanded back from Lord Howard of Charlton, and the messenger appointed on Sunday at Greenwich.[1]

Lord Hertford had been suffering greatly from catarrh and inflammation of the eyes, but he made the effort to accompany the Prince, that the King's commands should be fulfilled without affording Parliament any ground for further interference; and on the King's reaching Greenwich on Saturday night he had the satisfaction of finding his son already brought there by Lord Hertford.[2] Soon after came Lord Newport, Lord Seymour, and the others sent by the two Houses to Greenwich, for the purpose of fetching the Prince to Whitehall; but on learning that the King was also arrived, they made no attempt to execute their orders.[3]

[1] Life of Earl of Clarendon, vol. i. p. 106.

[2] Lord Clarendon says,—"When his Majesty came to Greenwich he "found the Prince there with his Governor, who, though indisposed in "his health, without returning any answer to the Parliament, brought "the Prince very early from Richmond to Greenwich, with which "the King was very much pleased and in very good humour."—Ibid.

[3] Hist. of the Rebellion, vol. ii. p. 262.

The King was sufficiently appeased by the possession of his son to listen to Mr. Hyde's prudent advice, and determined before he gave his answer to the message to await the arrival of those ministers by whom he had promised to be guided in all his dealings with Parliament. "I will say nothing of the answer," said he, addressing Mr. Hyde, "for I am sure Falkland and "Culpepper will be here anon, and then prepare one, "and I will not differ with you; for now I have gotten "Charles I care not what answer I send to them."[1]

Lord Falkland and Lord Culpepper joined the King at Greenwich the following day (Sunday); they quickly agreed upon the answer to be given. The King approved and signed it, and after having it read to the Parliamentary messengers, who were there in attendance to receive it, he delivered it to them; the next day (Monday, February 28) Lord Howard of Charlton reported as follows to the House of Lords:—

"*His Majesty's Answer to the Reasons he received by way of Message from both Houses concerning the Prince his Son.*

"1. That his Majesty intended, at his remove from Hampton Court with his Royal Consort the Queen towards Dover, that the Prince his son should stay at Hampton Court till his Majesty returned to some of his houses; and thereupon, as soon as his Majesty resolved upon a certain day to be at Greenwich, he commanded that his son should attend him there, which was no way contrary to his former intention.

"2. That his Majesty was very sorry to hear of the indisposition of the Marquis of Hertford, being the person upon whom he principally relies for the care of his dearest son; but if that

[1] Life of Earl of Clarendon, vol. i. p. 107.

indisposition should have lasted, his Majesty could no ways think fit that his want of health should have hindered the Prince from waiting upon his Majesty according to his command, and therefore would have been much offended if the Prince had failed of meeting his Majesty accordingly.

"3. To the fears and jealousies his Majesty knows not what answer to give, not being able to imagine from what grounds they proceed; but if any information hath been given to that purpose, his Majesty much desires that the same may be examined to the bottom, and then he hopes that these fears and jealousies will be hereafter continued only with reference to his Majesty's rights and honour."[1]

This spirited and dignified assertion of his parental rights was probably felt to be unanswerable—no rejoinder was framed or passed. Lord Hertford had evinced his loyalty by the exertion he made to fulfil the King's commands, but his bodily indisposition was increased by the effort, and, finding himself obliged for a while to give up his duties, he once more resigned the care of the Prince into the hands of the King without asking the leave of Parliament. At the same time he again distinctly recognised the right of Parliament to know the reasons of his thus withdrawing from personal attendance on the Prince, by sending, through Lord Essex, the following message of explanation of his temporary retirement:—

"The Lord Chamberlain signified to the House that the Lord Marquis of Hertford is come to London to take physic for his indisposition of health; and that the King hath taken the Prince into his own custody, his Lordship being not able to attend upon his Highness in regard of his ill health:"[2]

[1] Lords' Journals, vol. iv. p. 617. [2] Ibid.

By thus taking the Prince into his own custody during the absence of Lord Hertford the King maintained his right on that point; but the Parliament did not desist from making further attempts to interfere in the disposal of his person. The next occasion of their interference was in an address to the King[1] concerning the control of the militia and the Prince's place of abode. In this petition the King was requested to "continue "the Prince in these parts, at St. James's or any other "of his houses near London."[2] In the King's answer (March 2nd) to this clause he again asserted his paternal right respecting the Prince; "For my son," said he, "I shall take that care of him which shall justify "me to God as a father and to my dominions as a "King."[3]

Whether any alarms were seriously entertained of an intention to send the Prince out of the kingdom must be doubtful, but it is obvious that in these attempts to supersede the King's authority, or right even to the custody of his son, the object was to obtain possession of the Prince, and when once in the hands of Parliament he would have necessarily become the hostage for whose sake every demand must have been conceded.

When particular designs have been frustrated, or particular intentions have remained unfulfilled, they find no place in general history, unless their defeat was followed by consequences direct and obvious; yet their influence may, nevertheless, have proved important, and might, if traced, often afford a clue by which to judge

[1] Agreed to on the 1st of March.

[2] Lords' Journals, vol. iv. p. 621. [3] Ibid., p. 622.

more fairly of the feelings and conduct of those with whom history deals. The frustrated design of seizing the five members has been the theme of every writer who touches on the annals of these times or treats on the constitutional questions of prerogative and privilege, for the consequences were scarcely less important than if the attempt had been successful. If there are some who would endeavour to palliate, none can defend the conduct of Charles on that occasion, and posterity has joined in an almost universal censure of an act at once impolitic and unconstitutional;[1] but whatever indignation may be raised by the

[1] The proceedings in this case involved not only a gross breach of privilege, but were both illegal and unconstitutional. The five members and Lord Kimbolton were accused of high treason by the Attorney-General in the House of Lords, and their Lordships were desired to appoint a committee to take the examination of such witnesses as the King would produce in the business, and also were to secure the persons of the accused, "as in justice there should be cause." The Lords hereupon appointed a committee, not such as the King desired, but one to consider the legality of the accusation and to search for records and precedents, whether there had ever been any such proceedings before this House, whether such an accusation might be brought by the Attorney-General before the House of Lords, &c. Before this committee had time to report, the King proceeded to further extremities; and no warrant having been granted by the House of Lords for the apprehension of the accused persons, the attempt to arrest them was illegal; and the attempt of the King to arrest in person was wholly unconstitutional; for, inasmuch as the King cannot commit a trespass, the persons wrongfully arrested would have had no redress. Impeachment by the Attorney-General was not disputed in the case of the Earl of Bristol, April 20, 1626 (Parliamentary History, vol. ii. p. 79); and it has since been settled that a commoner may be impeached in the House of Lords for high treason, as well as for misdemeanors:[2] the choice of the tribunal and the mode of accusation, in the case of the five members, were not therefore defective,—the fault was in the mode of arrest.

[2] Concerning the impeachment of a Commoner, see Christian's note on Blackstone, Com., vol. iv. p. 260.

recollection of this breach of privilege, it is but just to draw attention to the fact that in sending Lord Newport and Lord Seymour to Greenwich, with authority to withdraw the Prince from the custody of the governor into whose charge he had been specially given by the King, and with orders to take possession of his person and bring him to London in defiance of the King's commands that he should meet him at Greenwich, a stretch of power was intended also by Parliament that can in no way be justified. The intention was unfulfilled, and no visible results followed from the design; but can it be doubted that an insult to the King, levelled at once at his authority both as a monarch and as a father, was deeply felt and proudly resented by him and by those who from loyalty or affection respected his power or were attached to his person? can it be doubted that the personal bitterness which the King provoked against himself by his attempt to seize the five individuals, who were cherished and respected by the House of Commons, was in the same manner awakened in him and in his immediate adherents against the Parliament, when they saw it thus prepared to inflict a wound which every parent would have felt the hardest to endure, and which the King must have regarded as an indignity to his sovereignty?

The Journals afford proof that from this time Lord Hertford must have withdrawn himself from further co-operation with the popular party.

CHAPTER X.

The Parliament appoint new Lieutenants of Counties.—Lord Hertford is superseded in the Lieutenancy of Somersetshire.—Militia Ordinance.—Proceedings of Parliament in relation to it.—The King refuses his assent to the Bill.—The Houses remonstrate.—They assume the control of the Militia without the King's assent.—They displace the great Officers of State.—Lord Hertford protests against these measures, and joins the King at York.—Order of the House of Lords upon Lord Hertford.—He explains by Letter to the House the King's intentions respecting the custody of the Prince.

ON the 5th of March "An Ordinance of the Lords "and Commons" passed "for the safety and defence "of the kingdom of England and dominion of Wales," by which the Parliament appointed the Lieutenants of their choice to be Lieutenants of the different counties.[1] One Lord[2] moved the question whether this ordinance did not trench upon his oath of allegiance. The question was put, the oath of allegiance read, and it was resolved nem. con. that the passing the ordinance was not in any way against the oath of allegiance. Sixteen Lords however entered their protest against the ordinance.[3] The existing commissions, granted under the Great Seal, of the Lieutenants of the several counties were declared by both Houses illegal and void, and the Lords Lieutenant ordered to bring them to the House

[1] Lords' Journals, vol. iv. p. 626.

[2] His name is not mentioned.

[3] The Lord Great Chamberlain, Lord Bath, Lord Southampton, Lord Devon, Lord Cleveland, Lord Monmouth, Lord Portland, Lord Mowbray, Lord Willoughby d'Eresby, Lord de Grey, Lord Rich, Lord Howard de Charlton, Lord Dunsmore, Lord Savill, Lord Seymour, Lord Capell.—Lords' Journals, vol. iv. p. 627.

of Lords by the 21st of March to be cancelled.[1] A further resolution was passed by both Houses to the effect "that whosoever shall execute any power over "the militia of this kingdom or dominion of Wales, by "colour of any commission of Lieutenancy, without "consent of both Houses of Parliament, shall be ac- "counted a disturber of the peace of the kingdom."

Lord Hertford was named by this new ordinance Lord Lieutenant of the county of Somerset.[2]

On the 21st of March the Clerk of the Parliament was sent to Lord Hertford to demand the commission he then held under the Great Seal of Lieutenancy for Somerset, and to know if he would accept the Lord Lieutenancy for Somerset according to the ordinance of both Houses of Parliament. The next day, March 24, the following answer was read from Lord Hertford in the House of Lords:—

"That he should be very glad to obey this House and serve the commonwealth in what he may; but desires at this time to be excused for accepting of the Lieutenancy of the county of Somerset, for this reason, that he was not at the debate of the militia, and therefore is utterly ignorant of what hath passed in it; neither doth he yet know that the King hath given his consent to it, without which, he hopes, your Lordships will not impose it upon him. For the return of the Commission of Lieutenancy and Commission of Array for the county of Somersetshire, it was in joint commission with the Lord Philip Herbert, and his Lordship conceives it is in his hands, because he never made use of it, neither doth he know that he hath any; but, if he shall find any such, he will deliver it to their Lordships."[3]

[1] Lords' Journals, vol. iv. p. 628. [2] Ibid., p. 664. [3] Ibid., p. 666.

Lord Hertford was no further pressed on the subject. The Earl of Bedford was appointed in his place as Lord Lieutenant of Somersetshire, and on the 28th of March, 1641-2, his former commission was given in to the House of Lords.[1]

This Parliamentary ordinance for the appointment of Lords Lieutenant of all the counties in England and Wales was securing to the two Houses the choice of such persons as they thought fit to be intrusted with the much-disputed control of the militia, and it may not be out of place here to recapitulate the circumstances that preceded the passing of this ordinance.

On the 20th of January, 1641-2, the King sent a gracious message to Parliament, of which the object was to desire that they "would with all speed fall into "a serious consideration of all those particulars which "they shall hold necessary, as well for the upholding "and maintaining of his Majesty's just and regal au- "thority, and for the settling of his revenue, as for the "present and future establishment of their privileges, "the free and quiet enjoying of their estates and "fortunes, the liberties of their persons, the security "of the true religion now professed in the Church of "England, and the settling of ceremonies in such a "manner as may take away all just offence; which "when they shall have digested and composed one "entire body, that so his Majesty and themselves may "be able to make the more clear judgment of them, it "shall then appear, by what his Majesty shall do, how "far he hath been from intending or designing any of

[1] Lords' Journals, vol. iv. p. 677.

" those things which the too great fears and jealousies " of some persons seem to apprehend, and how ready " he will be to exceed the greatest examples of the most " indulgent Princes in their acts of grace and favour to " their people. So that, if all the present distractions " (which so apparently threaten the ruin of this king- " dom) do not (by the blessing of Almighty God) end " in a happy and blessed accommodation, his Majesty " will be ready to call heaven and earth, God and man, " to witness that it hath not failed on his part."[1]

The House of Commons returned for answer a demand to have the Tower and other forts and the whole militia of the kingdom put into the hands of such persons as Parliament should confide in and recommend. The House of Lords refused on that occasion to join with them in this petition, but the Commons, " no " way discouraged," addressed his Majesty themselves.[2] On the 28th of January the King made his reply to this petition: he declined to remove the Governor of the Tower unless any charge could be substantiated against his conduct; and though he expressed himself as resolved that the Tower and all other forts and castles should be placed only in the hands of such persons as the Parliament might confide in, yet declared he should reserve to himself their nomination, being " so princi- " pal and inseparable a flower of his crown, vested in " him and derived unto him from his ancestors by the " *fundamental laws of the kingdom.*"[3] The rest of the answer contained assurances of the King's desire to

[1] Rushworth, vol. iv. p. 516.
[2] Ibid., p. 517.
[3] Ibid.

remedy grievances and his earnest wish to compose all distractions.

The Lords now determined to act again in concert with the Commons, and the rejoinder to the King's answer was a petition from both Houses to the same effect as that which had been at first addressed to the King by the Commons only, and in which they prayed that the Tower of London, all other forts, and the *whole militia* should be placed in their hands.

In the King's reply to this petition he conceded much; he went so far as to say "that, when he should "know *the extent of power* which was intended to be "established in those persons whom they desired to be "commanders of the militia in the several counties, "and likewise to *what time* it should be limited, no "power should be executed by him alone, without "the advice of Parliament;" and that he would then declare his willingness to put in all the places both of forts "and militia in the several counties such persons "as both Houses of Parliament approved or recom-"mended," the only condition being that they should first declare their names to his Majesty, "unless such "persons should be named against whom he should "have any just and unquestionable exception."[1] These were large concessions, but reserved to the King at least a veto on the nominations of Parliament. On the 11th of February he announced to Parliament that as a matter of grace he had accepted their recommendation of Sir J. Coniers to succeed Sir J. Biron as Governor

[1] Rushworth, 'Coll.,' vol. iv. p. 519.

of the Tower, Sir J. Biron having desired to resign that office.

An ordinance of both Houses of Parliament "for "the ordering of the militia of the kingdom of England and dominion of Wales" was now presented to the King, accompanied by a petition praying for his consent to it. The ordinance began with well-deserved reproaches for the late dangerous and desperate designs upon the House of Commons, the evil designs of Papists, and other subjects of disunion between the King and the Parliament. It then set forth the power to be given and authority to be exercised by those to whom the two Houses meant to intrust the militia, together with the list of those whom they meant to appoint, and amongst whom Lord Hertford's name was inserted. The ordinance concluded by announcing that those who did "not obey in any of the premises should "answer their neglect and contempt to the Lords and "Commons in a parliamentary way, and *not otherwise* "*nor elsewhere*, and that every the *powers granted* "*should continue until it should be otherwise ordered or* "*declared by both Houses of Parliament, and no* "*longer*."[1] The King declined to give an immediate reply to the petition that accompanied this ordinance, on the ground that, the Queen and his daughter being on the eve of departure for Holland, he had not time "to consider of a particular answer for a matter of so "great weight as this is, and therefore must respite the "same till his return."[2]

The Parliament again addressed the King on the

[1] Rushworth's Coll., vol. iv. p. 520. [2] Ibid., p. 521.

22nd of February, 1641-2; they expressed great resentment at this delay, and reproached him with his promise to put the militia into the hands of those whom they named for that purpose, so soon as on their part they had signified the extent of power and continuance in time of those persons' authority: they declared that the conduct of the King now, in referring his consent to a longer and very uncertain period, was "as unsatisfactory " and destructive as an absolute denial."[1]

The King's reply to this petition and ordinance was dated Greenwich, February 28 (1641-2), and delivered by the Lord Keeper, Sir Edward Littleton, to both Houses of Parliament: the moderation of its tone bespeaks the spirit of conciliation and the wisdom of those counsellors by whom it must have been framed, and can scarcely be abridged without injury to the chain of evidence that should be present to every one's mind when endeavouring to form a judgment on the subject of the great question of "who began the war?"

"His Majesty having with his best care and understanding perused and considered that which was sent him from both Houses for the ordering of the militia, presented unto him to be made an ordinance of Parliament by the giving of his royal assent, as he can by no means do it for the reasons hereafter mentioned, so he doth not conceive himself obliged, by any promise made in his answer of the second of this month to the petition of both Houses, to yield the same.

"His Majesty finds great cause to except against the preface or introduction to that order, which confesseth a most dangerous and desperate design upon the House of Commons of late, supposed to be an effect of the bloody counsels of Papists,

[1] Rushworth, 'Coll.,' vol. iv., p. 521.

and other ill-affected persons, by which many may understand (looking upon other printed papers to that purpose) his coming in person to the House of Commons on the 4th of January, which begot so unhappy a misunderstanding between him and his people; and for that, though he believes it, upon the information since given, to be an apparent breach of their privilege, *and hath offered to repair the same for the future by any act that shall be desired of his Majesty*, yet he must declare, and required to be believed, that he had no other design upon that House, or any member of it, than to require (as he did) the persons of those five gentlemen his Majesty had the day before accused of high treason; and to declare that he meant to proceed against them legally and speedily, upon which he believed that House would have delivered them up. And his Majesty calls the Almighty God to witness that he was so far from any intention or thought of force or violence, although that House had not delivered them according to his demand, or in any case whatsoever, that he gave those his servants and others that waited on his Majesty express charge and command that they should give no offence to any man; nay, if they received any provocation or injury, that they should bear it without return; and his Majesty neither saw nor knew that any person of his train had any other weapons, but his pensioners and guards those with which they usually attend his Majesty, and the other gentlemen swords. And therefore his Majesty doubts not but his Parliament will be regardful of his honour herein, that he shall not undergo any imputation by the rash or indiscreet expressions of any young men then in his train, or by any desperate words uttered by others who might mingle with them without his consent or approbation.

"For the persons nominated to be Lieutenants of the several counties of England and Wales his Majesty is contented to allow that recommendation; only concerning the city of London and such corporations as by ancient charters have granted unto them the power of the militia, his Majesty doth not conceive

that it can stand with justice or polity to alter their government in that particular.

"And his Majesty is willing forthwith to grant every of them (that of London and those other corporations excepted) such commissions as he hath done during this Parliament to some Lord Lieutenants by your advice; but if that power be not thought enough, but that more shall be thought fit to be granted to these persons named than by the law is in the Crown itself, his Majesty holds it reasonable that the same be by law first vested in him, with power to transfer it to these persons, which he will willingly do; and whatever that power shall be, to avoid all future doubts and questions, his Majesty desires it may be digested into an act of Parliament rather than an ordinance; so that all his loving subjects may thereby particularly know both what they are to suffer and what they are not to suffer for their neglect, that there be not the least latitude for his good subjects to suffer under any arbitrary power whatever.

"As to the time desired for the continuance of the powers to be granted, his Majesty giveth this answer, That he cannot consent to divest himself of the just power which God and the laws of this kingdom have placed in him for the defence of his people, and to put it into the hands of any other for any indefinite time. And since the ground of this request from his Parliament was to secure their present fears and jealousies, that they might with safety apply themselves to the matter of his message of the 20th of January, his Majesty hopeth that his grace to them since that time, in yielding to so many of their desires, and in agreeing to the persons now recommended to him by his Parliament, and the power before expressed to be placed in them, will wholly dispel those fears and jealousies; and assureth them that, as his Majesty hath now applied this unusual remedy to their doubts, so (if there shall be cause) he will continue the same to such time as shall be agreeable to the same care he now expresseth toward them.

"And in this answer his Majesty is so far from receding from anything he promised, or intended to grant, in his answer to the former petition, that his Majesty hath hereby consented to all was then asked of them by that petition concerning the militia of the kingdom (except that of London and those other corporations), which was to put the same into the hands of such persons as should be recommended unto him by both Houses of Parliament. And his Majesty doubts not but the Parliament, upon well weighing the particulars of this his answer, will find the same more satisfactory to their ends and the peace and welfare of all his good subjects than the way proposed by this intended ordinance, to which, for these reasons, his Majesty cannot consent.

"And whereas his Majesty observes, by the petition of both Houses presented to him by the Earl of Portland, Sir Thomas Heal, and Sir William Savile, that in some places some persons begin already to intermeddle of themselves with the militia, his Majesty expecteth that his Parliament should examine the particulars thereof, it being a matter of high concernment and very great consequence.

"And his Majesty requireth that, if it shall appear to his Parliament that any persons whatsoever have presumed to command the militia without lawful authority, they may be proceeded against according to law."[1]

The rejoinder to this message to Parliament was a petition from both Houses, presented (March 1, 1641-2) to the King at Theobalds by a joint Committee of Lords and Commons.[2] In this they renewed their

[1] Rushworth, 'Coll.,' vol. iv. pp. 521-3.

[2] The Committee consisted of the Earl of Suffolk, Earl of Warwick, Earl of Clare, the Lord Paget, Lord Brook, and Lord Fielding, for the Lords; Sir Christopher Wray, Mr. Henry Bellasis, Sir Edward Hungerford, Lord Cranborne, Sir William Pennyman, Sir John Holland, Sir Roger North, Mr. Russell, Mr. Arthur Goodwyn, Mr. Nicolls, Sir Henry Vane, jun., Mr. Grantham.

complaints at any delay on the part of the King in giving his assent, accompanied by the following threat:—"If your Majesty shall persist in that denial, the "dangers and distempers of the kingdom are such as "will endure no longer delay: unless you shall be graci- "ously pleased to assure them by these messengers that "you will speedily apply your royal assent to the satis- "faction of their former desires, they shall be enforced, "for the safety of your Majesty and your kingdom, to "dispose of the militia by the authority of both Houses "in such manner as hath been propounded to your "Majesty, and they resolve to do it accordingly."[1] . . . Again, "they beseech your Majesty to be informed by "them, that by the laws of the kingdom the power of "raising, ordering, and disposing of the militia within "any city, town, or other place, cannot be granted to "any corporation, by charter or otherwise, without the "authority and consent of Parliament, and that those "parts of the kingdom which have put themselves in a "posture of defence against the common danger have "therein done nothing but according to the declaration "and direction of both Houses, and what is justifiable "by the laws of the kingdom."[2] This petition, which contained also other matter, was read to the King at Theobalds; he at once returned the following answer to the messengers:[3]—"For the militia," said he, "I "thought so much of it before I sent that answer,[4] and

[1] Rushworth, 'Coll.,' vol. iv. p. 523. [2] Ibid. [3] Ibid.

[4] It was in this petition that the King was solicited to continue to reside near London, and that the Prince should be made to reside at St. James's or near London. From the watchful activity of Mr. Hyde, the King was warned, before the arrival of these Parliamentary messengers, of

"am so much assured that the answer is agreeable to "what in justice or reason you can ask, or I in honour "grant, that I shall not alter it in any point."[1] The rest of his reply was in the same brief and spirited tone; but the Parliament had lost all confidence in the King's firmness of purpose, all respect for his personal profession, and, still more, they had learnt to dispute the authority of the Crown.

The following day (March 21) a resolution was agreed to by both Houses, "That the kingdom be forthwith put "into a posture of defence by authority of both Houses "in such a way as is already agreed upon by them;" and a series of votes were also resolved upon by the House of Commons on the King's "last answer con- "cerning the militia," which contained so direct a threat of arms as fell but little short of declaration of war. It was resolved that the "answer of his Majesty "is a denial to the desires of both Houses of Parliament "concerning the militia. That this denial is of that "dangerous consequence that if his Majesty shall per- "sist in it it will hazard the peace and safety of all his "kingdoms, unless some speedy remedy be applied "by the wisdom and authority of both Houses of Par- "ment; also, that such parts of this kingdom as have "put themselves into a *posture of defence against the* "*common danger have done nothing but what is justi-* "*fiable, and is approved by the House.*"[2] By another of

the purport of their mission, and was advised "to make some short "resentment of the Houses' proceeding with him," and not to enter into particulars which would require time to consider.—Life, vol. i. p. 111.

[1] Rushworth, 'Coll.,' vol. iv. p. 524. [2] Ibid., p. 526.

these resolutions the King was no longer to be petitioned as before "to be graciously pleased to continue "the Prince in these parts, &c.," but told that "the "House *holds it necessary* that his Majesty *may be de-* "*sired* that the Prince may come unto St. James's or "to some other convenient place near about London, "and *there to continue.*"[1]

Such resolutions and the change of tone from petition to command were signs too significant to be mistaken that the Parliament was ready to proceed to further extremities. During the discussion in the House of Commons on these votes there was great division of opinion respecting the militia: some maintained that the power of the militia was solely in the King, and that the Parliament never did nor ought to meddle with the same; some thought this power was not in the King, but that it was in the Parliament,[2] and that, if the King refused to order it according to the advice of Parliament, then they by the law might do it without him; and according to this principle it was "moved to "be now done by Parliament, the King having refused "the former petitions for settling the militia as they "desired."[3] This settlement, as it was called, was carried by both Houses, and on the 5th of March, 1641-2, the appointment of the Lieutenants of the counties was

[1] Rushworth, 'Coll.,' vol. iv. p. 524.

[2] "If the power existed at all, it manifestly resided in the King. The "notion that either or both Houses of Parliament, who possess no portion "of executive authority, could take on themselves one of its most peculiar "and important functions, was so preposterous, that we can scarcely give "credit to the sincerity of any reasonable person who advanced it."—Hallam's 'Const. Hist.,' vol. ii. p. 184.

[3] Rushworth, 'Coll.,' vol. iv. p. 525.

announced under the title of "An Ordinance of the "Lords and Commons in Parliament assembled, for "settling the militia, for the safety and defence of the "kingdom of England and dominion of Wales."[1]

To accept the commission of Lieutenancy from Parliament was to take a step in the path that must rapidly lead to important consequences, and those who shrank from entering on a course that would either provoke the struggle of civil war or effect the unresisted destruction of all power in the Crown naturally declined to make themselves parties to this measure.

The object of the ordinance which had been presented to the King in February,[2] and which he refused to sanction, was to place the command of the sword in the hands of those on whose obedience Parliament could depend.[3] The Lords Lieutenants named by them were to obey the orders of the two Houses and to be irremovable by the King for two years.

Such an encroachment on the prerogative of the Crown was one of those decisive advances made by the popular party in Parliament which must have greatly tended to their future separation from men who had sought to establish the constitution by the reformation of abuses, not by the subversion of the form of government. The King appears to have been fully conscious

[1] Rushworth, 'Coll.,' vol. iv. p. 526. [2] Vide p. 480.

[3] Mr. Hallam observes that "three-fourths of the military force of "England would have been in the hands of persons who, though men of "rank, and attached to the monarchy, had given Charles no reason to "hope that they would decline to obey any order which the Parliament "might issue, however derogatory or displeasing to himself."—Const. Hist., vol. ii. p. 185.

of the magnitude of this encroachment; and when, in the course of the various messages, replies, and rejoinders that further passed between him and the Parliamentary Committee on this subject, Lord Pembroke asked "whether the militia might not be granted,[1] as was "desired by the Parliament, for a time," his Majesty swore, "By God! not for an hour. You have asked "that of me in this," said he, "was never asked of any "King, and with which I will not trust my wife and "children."[2]

The King's next message to Parliament was from Huntingdon on the 15th of March; his answer to the declaration addressed to him at Newmarket by the Parliamentary Committee was sent from York on the 21st of March, and was in substance a repetition of his former answer respecting the militia and other subjects of disputed power. It was read in the House of Lords immediately after Lord Hertford had declined to accept the Lieutenancy of the county of Somerset, and Lord Strange[3] that of the county of Chester.[4] Lord Hertford had alleged, as his reason for thus refusing, that he knew not that the King had given his consent to this ordinance;[5] the last answer from York then read showed that the power of thus appointing the Lords Lieutenants of counties by Parliament, far from having

[1] Lord Pembroke, with Lord Holland, and the rest of the Parliamentary Committee, waited on the King at Newmarket, March 9th, to present the ordinance for settling the militia, and the declaration of both Houses with which it was accompanied.

[2] Rushworth, 'Coll.,' vol. iv. p. 533.

[3] James Lord Strange, afterwards seventh Earl of Derby.

[4] Lords' Journals, vol. iv. p. 666.

[5] Vide p. 474.

obtained the King's assent, was offered in defiance of his authority.[1]

It was clear that Parliament was now determined to so mount in the scale of their demands as to render impossible any reasonable adjustment of the differences, and to force the decision of the opposing claims of prerogative and privilege to a trial of strength. On the 5th of April the House took into consideration "the "declaration brought up from the House of Commons, "containing the evils and grievances, with their reme-"dies."

Of these "remedies" the first in order stood "that "the great officers and privy councillors were to be dis-"placed, and others recommended to be put in their "room."[2] The question was put whether the Lords should join with the Commons in petitioning the King

[1] Mr. Hallam thus describes the position of the King and the demands of Parliament at this juncture of affairs:—"If the right of self-defence "could be urged by Parliament for this demand of the militia, must we "not admit that a similar plea was equally valid for the King's refusal? ". . . . Even in this business of the militia he would have consented to "nominate the persons recommended to him as lieutenants by commis-"sions revocable at his pleasure, or would have passed the bill rendering "them irremoveable for one year, provided they might receive their "orders from himself and the two Houses jointly. It was not unreason-"able for the King to pause at the critical moment which was to make all "future denial nugatory, and inquire whether the prevailing majority "designed to leave him what they had not taken away. But he was not "long kept in uncertainty upon this score. The nineteen propositions "tendered to him at York in the beginning of June, and founded upon "addresses and declarations of a considerably earlier date, went to abro-"gate in spirit the whole existing constitution, and were, in truth, so far "beyond what the King could be expected to grant, that terms more into-"lerable were scarcely proposed to him in his greatest difficulties, not at "Uxbridge, nor at Newcastle, nor even at Newport."—Const. Hist., vol. ii. p. 186-8.

[2] Lords' Journals, vol. iv. p. 700.

to give his consent to this article; and after a serious debate it was carried. Lord Hertford, with a few other Peers, had the courage to enter their protest against a measure to which they could offer no effectual resistance.[1]

The signing this protest was Lord Hertford's last act in Parliament, and a few days afterwards he quitted London on his road to York, there to join the King and resume his duties with the Prince. Lord Hertford's departure appears to have created, though for no apparent reason, a suspicion that the Prince was to be removed out of the kingdom.

On the 11th of April the order made on the 14th of January, enjoining his personal attendance, and commanding him to be very watchful "to prevent the "Prince being carried out of the kingdom," was read in the House of Lords. This order, together with the following declaration, was immediately sent to Lord Hertford by an express post:[2]—"This House doth ex-

[1] The names of the other peers who joined in this protest were,—Lord Bath, Lord Devon, Lord Monmouth, Lord Berks, Lord Westmoreland, Lord Cleveland, Lord Dover, Lord Portland, Lord Mowbray, Lord Strange, Lord de Grey, Lord Wentworth, Lord Howard de Charleton, Lord Savill, Lord Coventry, Lord Capell, Lord Seymour.

[2] "Whereas this House was this day informed 'that the Lord Marquis "of Hertford is gone out of the town, towards the city of York, to give "his attendance as governor to the Prince;' and their Lordships, taking "notice that he was required to discharge that trust, in an order made "the 14th of January, 1641, in these words following, viz., 'Upon the "motion of the House of Commons, the Lords in Parliament do order, "That the Marquis Hertford (appointed by his Majesty to be governor to "the Prince), as he will answer the breach of that trust that doth so im-"mediately concern the present and future peace and safety of the three "kingdoms, forthwith do repair to the Prince, and, according to the duty "of his place, to take care of him and give his personal attendance on his

" pect that the said Marquis shall be answerable for all " the particulars required of him by the said order, if " he proceed in his journey to York: and in case he " will not undertake to discharge the trust of his place " aforesaid, according to all the particulars in the said " order, it is now ordered that he repair to give his " personal attendance on Wednesday next in the Lords' " House of Parliament."

The messenger overtook Lord Hertford, and on the 12th of April he announced to the House of Lords " that " he had delivered the said order to the Lord Marquis, " who read it, but returned no answer by him."[1] On the 3rd of May Lord Hertford wrote his answer from York, and trusted to his brother-in-law, the Earl of Essex, to impart its contents to the Lords. On the 6th of May the Earl of Essex acquainted the House " that he had received a letter from the Marquis of " Hertford, which he thought fit to communicate to " this House, it being a business of that concernment." The House commanded the letter to be read as follows:—

" My Noble Lord,

" It being expected from me that I should give answer to the House of Peers whether I should undertake that the Prince should not be conveyed out of this kingdom, I humbly desire your Lordship to make this answer for me, That I will undertake that the Prince shall go no further than his Majesty goeth; for so it hath pleased his Majesty to assure me, and

" Highness, and to be very watchful to prevent that he be not carried out " of the kingdom.' "—Lords' Journals, vol. iv. p. 711.

[1] Ibid., p. 714.

that he shall not stir from him. From any other undertaking I do utterly disclaim, as being a thing out of my power, and consequently a great rashness and presumption in me to undertake. Thus much I once more humbly pray your Lordship to present, with my humble and earnest desire that the order may be taken off, which may be so prejudicial to me, especially since I have thus far declared myself. God remove all jealousies from us, and put a true understanding between the King and his Parliament; which shall ever be the earnest and hearty prayers of

"Your Lordship's most faithful brother
and humble servant,
"HERTFORD.

"York, 3rd May, 1642.

"My Lord, this answer had come sooner, if I had sooner known how far his Majesty would have assured me."[1]

Lord Hertford's letter, and the consideration of what further steps it would be fit to take concerning the Prince's stay in the kingdom, was made the subject of a conference between the Committees of both Houses;[2] but it does not appear that any further interference then took place with Lord Hertford after the communication of his letter by the Earl of Essex. Lord Hertford's conduct had been perfectly straightforward and consistent throughout the various attempts of Parliament to direct his conduct respecting the Prince. He recog-

[1] Lords' Journals, vol. v. p. 49.

[2] The House, taking this letter into consideration, resolved to have a conference with the House of Commons, and communicate this letter unto them, and read the Order of both Houses of the 11th of April last to them, and desire that a Select Committee of both Houses may be appointed to consider what is fit to be done concerning the Prince's stay in this kingdom.—Lords' Journals, vol. v. p. 49.

nised their right to command his personal attendance, and had pledged himself not to give up the custody of the Prince, but he would not submit to their repeated attempts to supersede the King's paternal right to claim the possession of his son or the direction of his movements.

CHAPTER XI.

Lord Hertford raises Cavalry for the King.—He is appointed by the King Lieutenant-General of the West.—He proceeds to Bath to execute the Commission of Array.—He advances to Wells, and retires thence to Sherborne.—The Earl of Bedford marches to Sherborne.—Lord Hertford sends him a Challenge.—An Attempt to relieve Sherborne Castle fails.—Lord Hertford capitulates and retreats from Sherborne Castle.—He crosses into Glamorganshire.—The Commons impeach Lord Hertford. | Causes of his failure in the West.

A NEW chapter was now to open in the life of Lord Hertford. His early career had been checked and clouded by an ill-fated attachment and its disastrous consequences; he had for some years afterwards remained under the shadow of royal displeasure, and in the retirement of the country enjoyed the happiness of domestic life and the cultivation of literary tastes. The sight of undue exercise of power in the Crown withdrew him in time from his seclusion, and, taking his place in public life, he co-operated with the popular party in measures of resistance. Amongst the members of that party he exercised considerable influence, and by his character and his conduct he equally secured the respect of those with whom he agreed, and of those from whom he differed, in the stirring questions of that period. He accepted a place of honour and trust but little agreeable to his tastes, in obedience to the King and for the satisfaction of his own political friends; and he willingly held himself responsible as a Peer for the performance of such duties as Parliament might justly

impose, without forswearing the fidelity of a Privy Councillor or the allegiance of a subject.

But the work of the civilian was now drawing to a close; the time had come when all cherished tastes, habits, and pursuits were laid aside, and when men of all ranks, professions, and occupations were called upon to risk their lives and their fortunes in support of their opinions. The nobleman, the squire, the statesman, the philosopher, the student—nay, even the stern preacher, and the gay man of pleasure—flocked to the standard round which they had severally chosen to rally; and veterans in age, though novices in war, buckled on their armour and unsheathed their maiden swords.

Lord Hertford was about fifty-four years of age when the exigences of the time demanded his service in the field, and shortly after his arrival at York the duties of governor to the Prince were suspended for those of military command. On the 13th of June he signed, with forty-five peers, the promise not to obey any order or command not warranted by the known laws of the land, and to defend the King's person, crown, and prerogative;[1] and on the 15th of June his name is again to be found amongst the forty-five who signed the declaration against the King's intention of levying war.[2] On the 22nd of June he appears in the list of those who at their own expense assisted to raise cavalry for the King's service, so soon as the commissions should be issued under the Great Seal;[3] his contribution is stated at 60 horses, with their maintenance for three months.

The following month (July) opened with such

[1] Vide Life of Lord Falkland, vol. i. p. 112.
[2] Ibid., p. 113.
[3] Ibid., p. 120.

active preparations for war as the position of affairs rendered necessary to both parties. "His Majesty," says Lord Clarendon, "appointed and sent many "of the nobility and prime gentlemen of the several "counties, who attended him, into their respective "counties to execute the commission of array, making "the Marquis of Hertford, by commission under the "Great Seal of England (which he was to keep secret "in reserve till he found, either by the growth or extra-"ordinary practice of the Parliament in raising forces, "that his commission of array was not enough), 'his "Lieutenant-General of all the western parts of the "kingdom, with power to levy such a body of horse and "foot as he found necessary for his Majesty's service, "and the containing the people within the limits of "their duty.'"[1]

[1] Hist. of the Rebellion, vol. iii. pp. 119, 120. Lord Hertford's commission as "Lieutenant-General" is to be found in Rushworth's 'Collect.,' under the title of "Commission of Array." Lord Clarendon implies that these commissions were distinct; but if Lord Hertford had a "Commission of Array" granted previously to that of Lieutenant-General, its powers are recapitulated in the latter, which was given under the Great Seal. Lord Hertford's Commission gave him very extensive powers, and was couched in terms that showed the confidence reposed in him:—"And for the special trust and confidence we have and do repose "in your approved wisdom, fidelity, and valour, and great ability, do "name, assign, constitute, and ordain you, the said William Marquis of "Hertford, to be our Lieutenant-General of all such forces as by virtue "of this our Commission shall be levied and raised, or by virtue of this "our Commission shall be brought unto you, within all or any our counties "of Devon, Cornwall, Somerset, Dorset, Southampton, Gloucester, Berks, "Oxon, Hereford, Monmouth, Radnor, Brecknock, Glamorgan, Carmar-"then, Pembroke, Cardigan; and in our cities of Exeter, Bristol, Glou-"cester, and Oxford, and the counties of the same; and likewise in our "cities of Bath and Wells, New Salisbury, and Hereford; and also in our "towns of Pool, Southampton, and Haverfordwest, and the counties of the "same towns."—Rushworth, 'Coll.,' vol. iv. p. 670.

Lord Hertford, like many others, had been cheered by the reception the King had met with in Yorkshire, and the loyal invitation he had received from the gentry in Lincolnshire; he was now very sanguine as to the probability of success in executing the commission of array, and, under these impressions, he addressed the following letter to the Queen from Beverley on the 11th of July:—

"Madam,

"I am now (emboldened by your Majesty's commands) to give you the trouble of a few lines, which formerly I have done with some scruple, fearing to entrench too much upon your Majesty's patience. His Majesty's affairs are, I hope, in a prosperous way. And the affections of his people break out every day more and more; who begin to have their eyes open, and will, I believe, no longer be deluded with the imaginary fears of jealousies.

"The King takes his journey to-morrow towards Lincolnshire, invited thereunto by a great number of the best gentlemen of that county. The Prince goes with him; but his Majesty hath commanded me to return to York with the Duke of York, where he is to remain until the King comes back, under the charge of the Lord of Dorset, because, by his Majesty's commands, I am, with all speed, to repair unto the west, to put his commission of array into execution, which I make no doubt to perform without any great difficulty.[1] If God prospers us, as I

[1] It is clear by this letter, dated January 11, that Lord Hertford's Commission of Array was determined on at least some three or four weeks before the Commission received the Great Seal, and which is dated August 2.

An order from the King, dated August 1, addressed to Sir William Uvedale (Treasurer for the Military Department), is preserved, desiring him to pay all such persons as should be named to him by warrant either

trust he will in so good a cause, we shall then shortly (I hope) be blessed and cheered up with your Majesty's long-wished-for presence. *And hey then down go they!* And, to our greater encouragement, *Sampson* is come over to us.

"Madam, your Majesty may perceive, I hope will, that I presume to be thus merry with you, but I hope you will pardon it, with all the other errors and presumptions of,

"Madam,

"Your most humble, most faithful,

"And most obliged servant,

"HERTFORD.[1]

"Beverley, 11th June, 1642."

On the 25th of July the Marquis of Hertford and others proceeded to Bath, in order to execute the commission of array. He arrived there at the time of the assizes, and was met by many others of the county. The Judge had received a letter from the King "to "forward the commission, and to give it in charge." But "the Judge," says a contemporary news-writer, "sailed betwixt wind and water very politicly,"[2] and so equally refused to obey either the King's commands, or the orders he had received from Parliament to declare the commission illegal. Lord Hertford and the Com-

of William Marquis of Hertford or Robert Earl of Lindsay in their capacities of Lieutenants-General of the Armies.—Vide Appendix K K.

[1] Vide Lords' Journals, vol. v. p. 264. This letter to the Queen was intercepted and read in the House of Lords on the 5th of August. On the same day the Lords, taking into consideration a message from the Commons respecting "intelligence from Somersetshire," ordered "that the "Lord Marquis of Hertford, the Lord Pawlett, and the Lord Trowbridge "shall be sent for as delinquents for using force, to the terror of the "people, in putting the Commission of Array into execution; and that the "sheriff do apprehend them, and the Lords Lieutenants and Deputy "Lieutenants to be aiding and assisting to him."—Ibid.

[2] 'True News from Somersetshire.'—See Appendix L L.

missioners,[1] having met with little encouragement at Bath, at the end of three days determined on quitting it. The Judge, who had just so carefully steered his course between the rival powers, was now petitioned by the constables of twenty-one hundreds to pronounce his opinion on the commission of array, and, though reluctant to depart from his prudent neutrality, he declared it to be illegal; and was, moreover, obliged to have the votes of the Houses of Parliament on this commission read in open court.[2]

Lord Clarendon describes all the considerable gentlemen of Somersetshire as being well affected to the King's service. The reception Lord Hertford met with hardly bears out this assertion, though, doubtless, many preserved their loyalty to the King, and with these Lord Hertford consulted as to the place in which it would be best for him to fix his quarters with a view to conciliating the affection of the people and strengthening the King's forces. The advice of some was

[1] Lord Hertford was accompanied by Lord Seymour,[3] Lord Paulet, Sir John Stowel, Captain John Digby, Sir Ralph Hopton, Sir Francis Doddington, Mr. Edward Kirton, and others.—Rushworth, 'Coll.,' vol. iv. p. 685.

[2] 'True News from Somersetshire.'

[3] "Francis Lord Seymour, brother to the Marquis of Hertford, was a man of "interest and reputation; he had been always very popular in the country, where "he had lived out of the grace of the Court; and his parts and judgment were best "in those things which concerned the good husbandry and the common adminis- "tration of justice to the people. In the beginning of the Parliament he served as "Knight of the Shire for Wiltshire, where he resided; and behaving himself with "less violence in the House of Commons than many of his old friends did, and "having a great friendship for the Earl of Strafford, he was by his interposition "called to the House of Peers, where he carried himself very well in all things "relating to the Crown; and when the King went to York he left the Parliament "and followed his Majesty, and remained firm in his fidelity."—Hist. of the Rebellion, vol. iii. p. 548.

in favour of Bristol, as "being a great, rich, and popu-"lous city,"[1] and which, once possessed, would give them the command of Somerset and Gloucestershire. The objections to this plan were that Bristol was out of the county of Somerset; that Mr. Holles was Lieutenant of Bristol and had exercised the militia there; that many disaffected people, and some of great importance, being in the town, success might be doubtful, and that defeat was too dangerous to be risked. Lord Clarendon, however, regrets that the advice in favour of Bristol was not adopted, which, he thinks, "would have proved very prosperous."

Wells was next proposed and agreed to, as "being a "pleasant city in the heart and near the centre of the "county of Somerset."[2] Lord Hertford and his friends accordingly removed to Wells, there to try their success. Lord Hertford, whose interest and reputation in those parts were greater than any man's, appears to have been anxious "to compose the fears and appre-"hensions of the people, by doing all things in a "peaceable way and according to the rules of the "known laws, to convince all men of the justice and "integrity of his Majesty's proceedings and royal in-"tentions."[3] Accordingly, the day after his arrival at Wells, he sent for the Sheriff (who was joined in the commission with him) from Bath to ask his advice and assistance in the execution of the array. The Sheriff's answer was, that he had received commands from Parliament not to join, that he should abide by

[1] Hist. of the Rebelllion, vol. iii. p. 196. [2] Ibid., p. 197.
[3] Ibid.

those commands, and at the same time sent him the constables' petition and the judge's answer. This was a most unpromising beginning, and the reception at Wells proved still more unfavourable.[1] Lord Hertford and his friends were here met by the commissioners for the militia,[2] armed with the authority of Parliament and already in command of a superior military force. In a sharp skirmish Lord Hertford had prevailed against the deputy-lieutenants of Somersetshire, and had possessed himself of

[1] The various accounts given of the state of political feelings in the west when Lord Hertford first attempted to put the Commission of Array into execution have been so coloured by the different opinions of the writers, that it is difficult to determine whether the majority of the gentry were most inclined to support the cause of the King or of the Parliament. May, the Parliamentary historian, gives no very favourable opinion of Lord Hertford's success:—

"One great head there was of all those western counties, William Mar-
"quis of Hertford, whom the King, by his Commission of Array, had ap-
"pointed chief, and made him Lord Lieutenant-General of Devon, Corn-
"wall, Somerset, Dorset, Wilts, Southampton, Gloucester, Berks, Oxford,
"Hereford, and seven counties within the Principality of Wales: who,
"notwithstanding his high command, was never able to achieve any great
"matter for the King's side; so much were the common people of the
"west at that time inclined to the Parliament, and so active were those
"gentlemen who stood for it—such as were the sons of Sir Francis Pop-
"ham, Master Alexander Popham, Hugh, and Edward, who were more
"animated by the example of their aged father; Master Strode, a Deputy-
"Lieutenant, and others—against all those frequent attempts which the
"Marquis made."—May's 'Hist. of the Parliament of England,' p. 148.

Lord Clarendon says that, "except Popham and Horner, all the gentle-
"men of eminent quality and fortune of Somersetshire were either present
"with the Marquis, or presumed not to be inclined to the Parliament."—
Hist. of the Rebellion, vol. iii. p. 197.

In the letter entitled 'True News from Somersetshire' (Appendix L L), it is said that with the unanimous consent of the county (except some discontented spirits) they refused to obey the Commission of Array, and divers of the county petitioned Lord Hertford "to depart out of their "coasts."

[2] Mr. Popham, Sir Edward Hungerford, and Sir John Horner.

the town of Shepton Mallet. Ten men were slain and many wounded;[1] but, on reaching Wells, he found many thousands of horse and foot of the trained bands and others, with three pieces of ordnance, ready to besiege the town. His forces were unable to cope with such numbers, and he retreated from Wells[2] to Somerton, and thence to Sherborne,[3] without further trouble.

Thus had the strife of arms already begun, even be-

[1] May's 'Parliamentary Hist.,' p. 149.—It is probably to this skirmish that the writer of 'True News from Somersetshire' alludes in the following account:—"One Master Stroud, a gentleman of constant "fidelity to the King and Parliament, in execuion of the militia, met "with the Marquis Hertford in the execution of the array, and showed "such courage with a few against his many horse, which the country "people seeing with admiration, got up their spirits, and so bestirred "themselves that in a short time they had treble the Marquis's power, "whereupon he left the place" (Wells).

[2] According to Rushworth, Lord Hertford quitted Wells at night (vol. iv.. p. 685); according to May, Lord Hertford, having received timely notice that he was to be besieged by many thousands of the people, escaped a back way out of the town (p. 149); whilst, according to Lord Clarendon's more detailed account, Lord Hertford stayed at Wells for two days "in contempt of them, having only barricadoed the town; but then, "finding that the few trained bands which attended him there were run "away, either to their own houses or to their fellows on the top of the "hill, and hearing that more forces, or at least better officers, were "coming from the Parliament against him, he retired in the noon-day and "in the face of that rebellious herd."—Hist. of the Rebellion, vol. iii. p. 201.

[3] "The castle of Sherborne was one of those three masterpieces of for- "tification built by Roger Bishop of Old Sarum, so strong, it is said, that "they were the wonder of the world; and it was thought, before the inven- "tion of gunpowder, they never could have been taken by any human force. "It is also curious to remark the eight turrets on the top of the castle "itself, built to represent earls' coronets and bishops' mitres, two and two "alternately, Roger being Earl of Salisbury as well as Bishop, and in this "method we may suppose he built all his castles."—Hutchins's 'Dorset- shire,' vol. iv. p. 123.

fore the King had raised his standard, and Lord Hertford was destined to be amongst the first who stood in hostile array against those who offered an armed opposition to the execution of the King's commands.[1] Within two days of his arrival at Sherborne, Lord Hertford was joined by Sir John Berkeley, Colonel Ashburnham, and other good officers.[2] The town of Sherborne was favourably disposed towards him, most of the inhabitants being tenants of Lord Digby; and the Parliament's soldiers, "not enduring to lie long in the field, it being harvest "time, left the Commissioners and went home to their "own houses to mind their harvest."[3] Thus better prospects of security and success than he had hitherto seen now opened before him.

Lord Hertford had not been long settled at Sherborne when the Earl of Bedford,[4] with Mr. Hollis, Sir Walter Earle, Charles Essex,[5] and Captain Pretty, at the head of seven thousand foot and eight full troops of horse, were sent by the Parliament against him.[6]

[1] Vide Appendix M M.

[2] Hist. of the Rebellion, vol. iii. p. 202.

[3] Rushworth, vol. iv. p. 685.

[4] He was appointed General of the Horse to the Parliament on the 14th of July.

[5] Sergeant-Major-General to the Parliament, "a soldier of good expe-"rience and reputation in the Low Countries."—Hist. of the Rebellion, vol. iii. p. 202.

[6] The Earl of Bedford's presence was much desired by the adherents of the Parliament in the west, as appears from the following letter from Mr. Strode:—

"My Lord,—Presuming your Honour to be upon the way, or rather in "our county this day, Mr. Pym's letters telling us you would depart from "London towards us Monday last, I have not sent you the state of our "country, but enclosed it by this bearer to Mr. Pym and Mr. Strode, with "directions to acquaint your Lordship with it, if you should be in the

The Earl of Bedford was commanded to leave London on the 12th of August, and, proceeding straight to Sherborne, he encamped within three-quarters of a mile to the north of Sherborne Castle. On the same day that he received his orders to depart (Aug. 12) a message was delivered from the House of Commons to impeach the Marquis of Hertford, the Earl of Northampton, and Mr. Hastings, of high treason, for actual levying war against the King and kingdom; and the Clerk of the Crown received orders to issue forth proclamation writs directed to the sheriffs to summon them to appear before the Lords on the 29th of that month, "to answer to "their impeachment of high treason, sub pœna convic-"tionis."

The Earl of Bedford remained for four or five nights within less than cannon-shot of the town and castle, and during that time Lord Hertford sent a challenge, by Harry Seymour, to the Earl to fight a duel with him.[1] It must be supposed that Lord Hertford conceived himself to have received some personal affront that was to be wiped off in this manner, as it is scarcely possible

"town. The Marquis Hertford, Lord Pawlett, and Lord Seymour, with "Stowell, Hopton, Smith, Hawley, Windham, and the rest of our incen-"diaries, are now retired into Sherborne; in all, about three hundred "horse and one hundred foot. Had we the happiness to have your Lord-"ship's presence, with the Parliament horse promised us, we should soon "send them far from our coasts, and most of them safe unto the Parlia-"ment. I beseech your Lordship's present assistance, and pardon for "these my hasty expressions, remaining

"Your Honour's most obliged and most humble servant,

"WILL. STRODE.

"Street-Grange, Aug. 11, 1642."—Lords' Journals, vol. v. p. 286.

[1] Hist. of the Rebellion, vol. iv. p. 204.

that any commander, engaged in the public service at the head of his troops, could have had recourse to such an expedient by way of deciding the cause in which he and his adversary were severally engaged. On whatever grounds the challenge was sent, the Earl of Bedford, says Lord Clarendon, "reasonably declined "at that time, saying 'he would be ready, when the "business of the Parliament should be over, to wait "upon the Marquis when he should require it.'"[1]

No progress was made by the Earl of Bedford against Lord Hertford during his encampment near the town and castle. Many of the soldiers that had been raised by the county secretly left him. His forces being weakened, his army became somewhat disheartened. Accordingly "he sent," says Lord Clarendon, "Sir John "Norcot, under pretence of a treaty and the godly care "of avoiding effusion of Christian blood,—in plain "English, to desire that he might fairly and peaceably "draw off his forces and march away, the which, how-"ever reasonable a request it was, the Marquis refused,

[1] Hist. of the Rebellion, vol. iv. p. 204. It is impossible to form any opinion either on the degree of provocation which Lord Hertford may have received, or the grounds on which the Earl of Bedford refused the challenge. No MSS. of that period are to be found in the possession of their present descendants or representatives that throw any light on the subject. The following year, when the Earls of Bedford and Holland put themselves into the King's quarters at Wallingford, a debate in council took place at Oxford as to the manner in which they should be received. "One argu-"ment," says Lord Clarendon, "was urged very loudly against their "admission—that it would disturb the peace of the place;" alluding to "this postponed duel, and asserting that, if the Earl of Bedford should "be in Oxford, the Marquis, who was every day expected, would exact "the performance of his promise;" which, adds Lord Clarendon, "sure "he was too wise to do."—Ibid.

"sending them word that, as they came thither upon "their own counsels, so they should get off as they "could. Upon this they drew off and marched a dozen "miles for repose,"[1] leaving Lord Hertford for about a fortnight undisturbed at Sherborne.

On the 25th of July Lord Hertford had first come to Bath to execute the King's commission of array "in a peaceable way, and according to the rules of the "known laws." On the 22nd of August the standard had been raised at Nottingham, and the great constitutional questions of privilege and prerogative were cast on the hazard of war to decide. Every step that was taken now became a move in the general campaign that was opened throughout the kingdom. Lord Hertford's great object was not only to maintain his position at Sherborne, but to relieve Portsmouth;[2] the object of the Earl of Bedford was not only to dislodge Lord Hertford, but to secure the persons of men "so con- "siderable both in their fortunes and valour."[3] In these ulterior objects neither party was fated to succeed. Portsmouth was basely surrendered to the enemy by Lord Goring, and the Earl of Bedford only partially accomplished what the Parliament "conceived to be a "thing of great moment."[4] In the beginning of September the Earl of Bedford renewed his attempts upon the castle, and a letter signed by Lord Hertford and most of the Commissioners and officers, dated Sherborne, September 10th, gives the following account of his proceedings:—

[1] Hist. of the Rebellion, vol. iii. p. 225.
[2] Ibid.
[3] May's 'Parliamentary History,' p. 149.
[4] Ibid.

"The Earl of Bedford set down before the castle September 2, 1642, on the north side. On the 3rd he made an attempt from the west part of the town, and on the 4th another, when he fired some houses. On the 5th he fired from a battery erected on the north side of the castle. On the 6th the sheriff summoned the county to the assistance of the Marquis, on which the Earl broke up and marched to Yeovil,[1] where an action happened on the 7th, in which the Parliament forces were repulsed to the bridge; but, receiving a reinforcement, the Marquis retreated to Sherborne without being molested. The King's loss was about 20 taken or killed; that of the enemy 80, and 16 horses."[2]

The Earl of Bedford drew off his forces to Yeovil, a market-town about three miles to the west of Sherborne, and from thence he distributed his troops in the adjoining towns of Ilchester, Somerton, &c. The morning after his retreat an alarm was given from Ilchester that some armed men, upon their march

[1] On the 6th of September the Earl of Bedford, Denzil Hollis, and Charles Essex addressed a letter from Sherborne to the Lord General, desiring three regiments of foot and three troops of horse to their assistance.—Journals of the House of Lords, vol. v. p. 343.

"A letter from before Sherborne, Tuesday, the 6th of September, 1642, "relating the condition of the army before that place and the proceedings "and passages.

"Resolved, upon the question, That this House doth declare that they are "well satisfied that the Earl of Bedford, Colonel Hollis, Colonel Essex, and "the rest of the prime officers and gentlemen of the country intrusted by "this House, have done their duty in this action before Sherborne, and that "thanks be returned unto them. Ordered, That it be recommended to the "Lord General and the committee for the defence of the kingdom to send "new supplies speedily to Sherborne and provisions of cannon and other "necessaries fit for the speedy assaulting of that town; and that Lieutenant "Smyth be recommended to the Lord General, to consider of his good ser-"vices and of some reward to them."—Commons' Journals, vol. ii. p. 758.

[2] Quoted in Hutchins's 'Dorsetshire.'

towards Sherborne, had been discovered by the sentries. These men proved to be a band of 300 horse, headed by Mr. Rogers, a gentleman of the county, who was conveying money for the relief of Lord Hertford and his friends in Sherborne castle. The Earl of Bedford immediately despatched six troops, well appointed, to oppose their progress. In spite of the inequality of numbers, Mr. Rogers and his followers made so gallant a defence that they were able to again pursue their way towards Sherborne, but, within a mile of the castle, their passage was intercepted. The Earl of Bedford had succeeded in getting between them and the castle; a desperate engagement took place, till at length, overpowered by superior forces, they were defeated. Many of Mr. Rogers's followers were put to the sword, and he and his servant were taken prisoners, with the 800*l.* destined for Lord Hertford's use. Whilst the engagement was going on, Lord Hertford sallied out to rescue his friends, but the attempt failed; he was repulsed by the Earl of Bedford, and pursued up to the castle.[1]

The siege now began afresh. The Earl of Bedford mounted three pieces of ordnance, which he had received from the inhabitants at Weymouth. Many shots were fired on both sides, both to and from the castle, so that one of the Earl of Bedford's pieces of ordnance was twice dismounted, and one of his cannoneers killed. After some forty shots levelled by the Earl of Bedford against the castle, a fortunate shot was made which carried away the main battlements

[1] The account of this engagement is to be found quoted in Hutchins's 'Dorsetshire,' from a pamphlet of the period, vol. iv. pp. 123-125.

at a point where one of the pieces was planted; the ordnance fell to the ground with a great part of the wall, which was so weakened by the frequent batteries of the cannon, that it could no longer offer resistance. A cavalier then appeared upon the wall, sounding a parley, which was answered by the Earl of Bedford, and a trumpet sent to demand the reason of that sudden parley. On his reaching the moat, a paper fastened to an arrow was shot over to him, with a direction to the Earl of Bedford. This he took, and, returning to the army, he delivered the paper to the Earl, who, opening it, found that it enclosed the following propositions:—

"1. That, notwithstanding what he had done was by "his Majesty's command, and for the furtherance of "his Majesty's service, to which he was engaged by "his oath of allegiance, yet, having found just cause "to discontinue the prosecution of such service, and "being desirous to save the effusion of blood that must "necessarily be spent before the castle was obtained by "any hostile force, he was content to deliver up the "castle upon these conditions. 2. That the said Earl "of Bedford should grant him a peaceable retreat to his "own manor, with all those that were retaining to "him, or had run an equal hazard with him in that "design. 3. That the said Marquis should be free "from being questioned for his present actions, pro-"vided that his future actions were correspondent and "conduceable to the furtherance of a reformation, "which upon his honour he promised should be, and "that all his power should be employed for the King "and Parliament in the right sense. Upon these con-

"ditions he would lay down his arms and succour the "castle; but, if that were denied, he vowed to make "his grave between those walls, and to place the Earl "of Bedford's sister on the battlements, who should "serve as a flag of defiance to him and all his fol-"lowers."[1]

It would appear from Lord Clarendon's account that Lord Hertford's resolution to abandon his hold at Sherborne castle was determined not only by the successful attack on its walls, but by a variety of other circumstances. He had heard of the loss of Portsmouth, and had no longer therefore in view the relief of that town; and whilst the Parliament's forces hitherto employed on this service were now likely to be added to those of the Earl of Bedford, the regiments of horse promised him by Sir John Byron had marched to the King. The Committees of Parliament were active and successful. Taunton, Wellington, Dunster Castle, and other places declared for the Parliament. Mr. Luttrell refused to

[1] 'Propositions propounded by the Marquis of Hertford to the Earl of Bedford concerning the delivering up of Sherborne Castle,' &c., 1642, 4to. —King's Col. of Pamphlets, Brit. Mus.

Hutchins recounts the following anecdote of Lady Digby; the tradition on which it is founded may only have been this threat, used by Lord Hertford, a threat which must have been made with her own consent, or more probably at her suggestion:—"While the Earl of Bedford besieged "the castle tradition reports that the wife of George Lord Digby, son of "the Earl of Bristol, his sister, was then at the lodge. He sent a mes-"sage to desire her to quit it, as he had orders from the Parliament to "demolish it. She immediately went on horseback to his tent, at the "camp now called Bedford's Castle, and told him, 'if he persisted in his "intention, he should find his sister's bones buried in the ruins,' and "instantly left him; which spirited behaviour in all probability pre-"served it."

let Lord [illegible] the castle at Minehead a garrison.[1] As [illegible]ed no chance of increasing his strength, or [illegible] advancing the King's service, by remaining in these parts, he determined to use his best endeavours to get back to the King.[2]

The terms of capitulation must have been acceded to, as the siege was not renewed, and Lord Hertford, having quitted Sherborne, retreated to Minehead. On the 24th of September Parliament resolved that the Earl of Bedford "should be required to give order for "razing to the ground the castle and fortifications at "Sherborne."[3]

[1] Rushworth, 'Coll.,' vol. iv. p. 685.

[2] In Lord Clarendon's account of the causes of Lord Hertford's retreat from Sherborne he omits the surrender of the castle and the terms on which it surrendered, but it would seem, from the accounts both of May and of Whitelock, that the Earl of Bedford's success was scarcely regarded as a triumph by his own party. The thanks of Parliament for his conduct were voted on the 6th of September, which was previous to the surrender of the castle.

"Many weeks did that siege continue, many sallies were made out, and "sharp encounters on both sides performed with great courage—the Parlia- "ment side being in firm hope to have taken them at last, which was con- "ceived a thing of great moment and advantage to their affairs, if they could "have possessed the persons of so many men, considerable both in their "fortunes and valour, and who proved afterwards very strong and cruel "enemies. Yet that hope was frustrate, for about the beginning of "October they all escaped out of Sherborne: the Earl, nevertheless, pur- "sued after them, and in the chase took Mr. Pallart, Sir Henry, Sir John, "and Sir Charles Barclay prisoners."—May's 'Hist. of the Parliament of England,' p. 149.

"The Marquis of Hertford," says Whitelock, "who was hastening to the "relief of Goring, gave a brush to the Earl of Bedford by the way, seized "upon Sherborne castle, and from thence marched to the King to Shrews- "bury."—Whitelock's 'Memorials,' p. 60.

[3] Notwithstanding this order Sherborne castle does not appear to have been destroyed at this time. In 1645 it was again besieged by Sir Thomas Fairfax. It was gallantly defended by Sir Lewis Dives, but at last obliged

On Lord Hertford's reach[illegible] a port-town, he expected to find m[illegible] transport himself and his forces into [illegible] the people both of the town and the country [illegible] so little disposed to render him any assistance, that all their boats, with the exception of two, were purposely sent away. To embark his whole army was impossible; but the Earl of Bedford had advanced within four miles of Minehead,[2] and there was no time for delay. Lord Hertford, with his small cannon and few foot, accompanied by Lord Pawlet, Lord Seymour, and some gentlemen of Somersetshire, passed over into Glamorganshire, "leaving Sir Ralph Hopton, Sir John "Berkeley, Mr. Digby, and other officers, with their "horse, consisting of about 150, to march into Corn-"wall, hoping to find that county better prepared for "their reception."[3]

The Earl of Bedford, thinking these few fugitives

to surrender. In the month of August it was ordered to be demolished; the order was carried into effect the following October. Out of the ruins were built Castleton church, part of the lodge, the stable, and part of the garden walls.—Hutchins's 'Dorsetshire,' vol. iv. p. 127.

[1] "A letter from Pounsford, of September the 24th, 1642, from Mr. Roger "Hill, a member of the House, concerning the passage of the Marquis "Herts from Sherborne to Minehead, and of Mr. Luttrell at Dunster castle, "near Minehead, was this day read."—Journals of the House of Commons, vol. ii. p. 783.

[2] A letter is mentioned in the Journals "from the Earl of Bedford from "Dorchester, of the 21st of September, concerning his resolution to pursue "the Marquis Herts," but it is not entered.—Journals of the House of Commons, vol. ii. p. 781.

[3] Hist. of the Rebellion, vol. iii. p. 226.—This arrangement was made not only with the full consent of Sir Ralph Hopton, but by his own advice.—Hist. of the Rebellion, vol. iv. p. 168.

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